

107TH CONGRESS
1ST SESSION

H. R. 3295

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2001

Mr. NEY (for himself, Mr. HOYER, Mr. BLUNT, Mr. FATTAH, Mr. EHLERS, Mr. PRICE of North Carolina, Mr. MICA, Mr. LANGEVIN, Mr. LINDER, Mr. HASTINGS of Florida, Mr. DOOLITTLE, Mr. DAVIS of Florida, Mr. REYNOLDS, Mr. REYES, Mr. BUYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. CASTLE, Mr. HINOJOSA, Mr. PORTMAN, Mrs. MEEK of Florida, Mr. ENGLISH, Mrs. THURMAN, Mr. LATOURETTE, Mr. WYNN, Mr. KING, Mr. SPRATT, Mr. TIBERI, Mr. RUSH, Mr. DIAZ-BALART, Mr. THOMPSON of Mississippi, Mr. HORN, Ms. MCKINNEY, Mr. HAYES, Mrs. JONES of Ohio, Mr. COOKSEY, Mr. DINGELL, Mr. WALDEN, Mr. CUMMINGS, Mr. FOLEY, Mr. ACKERMAN, Mr. GREENWOOD, Ms. BROWN of Florida, Mr. WOLF, Mr. CARDIN, Mr. BALLENGER, Mr. ANDREWS, Mr. FORBES, Mr. BAIRD, Ms. HART, Mrs. CAPPS, Mr. LAHOOD, Mr. BARCIA, Mr. FLETCHER, Mr. CARSON of Oklahoma, Mr. GRUCCI, Mr. HILL, Mr. AKIN, Mr. ETHERIDGE, Mr. PLATTS, Mr. CROWLEY, Mr. TERRY, Mr. HOLT, Mr. MATHESON, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. PASCRELL, Mrs. TAUSCHER, Mr. STARK, Mr. POMEROY, Mr. LARSEN of Washington, Mr. HOEFFEL, Mr. GANSKE, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. WELDON of Pennsylvania, and Mr. LEWIS of California) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on the Judiciary, Science, Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Help America Vote Act of 2001”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.
 Sec. 102. Eligibility.
 Sec. 103. Amount of payment.
 Sec. 104. Audit and repayment of funds.
 Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.
 Sec. 112. Eligibility.
 Sec. 113. Amount of payment.
 Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.
 Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

- Sec. 201. Establishment.
- Sec. 202. Duties.
- Sec. 203. Membership and appointment.
- Sec. 204. Staff.
- Sec. 205. Powers.
- Sec. 206. Limitation on rulemaking authority.
- Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND
BOARD OF ADVISORS

- Sec. 211. Establishment.
- Sec. 212. Duties.
- Sec. 213. Membership of Standards Board.
- Sec. 214. Membership of Board of Advisors.
- Sec. 215. Powers of boards; no compensation for service.
- Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

- Sec. 221. Development of voluntary election standards.
- Sec. 222. Technical standards development committee.
- Sec. 223. Process for adoption of voluntary standards.
- Sec. 224. Certification and testing of voting systems.
- Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM
IMPROVEMENTS

- Sec. 231. Election fund payments to States for voting system improvements.
- Sec. 232. Allocation of funds.
- Sec. 233. Conditions for receipt of funds.
- Sec. 234. Authorization of appropriations.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

- Sec. 241. Grants for research on voting technology improvements.
- Sec. 242. Report.
- Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

- Sec. 251. Pilot program.
- Sec. 252. Report.
- Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

- Sec. 261. Role of National Institute of Standards and Technology.
- Sec. 262. Reports.
- Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

- Sec. 301. Establishment of Program.
- Sec. 302. Activities under Program.
- Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

- Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

- Sec. 501. Minimum standards for State election systems.
- Sec. 502. Standards described.
- Sec. 503. Enforcement.
- Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

- Sec. 601. Voting assistance programs.
- Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.
- Sec. 603. Report on absentee ballots transmitted and received after general elections.
- Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.
- Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL

- Sec. 701. Reduced postage rates for official election mail.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

- Sec. 801. Federal Election Campaign Act of 1971.
- Sec. 802. National Voter Registration Act of 1993.
- Sec. 803. Transfer of property, records, and personnel.
- Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

- Sec. 811. Treatment of Commission personnel under certain civil service laws.
- Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. State defined.
- Sec. 902. Miscellaneous provisions to protect integrity of election process.
- Sec. 903. No effect on other laws.

1 **TITLE I—PUNCH CARD VOTING**
2 **MACHINES**
3 **Subtitle A—Replacement of**
4 **Machines**

5 **SEC. 101. ESTABLISHMENT OF PROGRAM.**

6 (a) IN GENERAL.—Not later than 30 days after the
7 date of the enactment of this Act, the Administrator of
8 General Services (hereafter in this title referred to as the
9 “Administrator”) shall establish a program under which
10 the Administrator shall make a one-time payment to each
11 eligible State or unit of local government which used a
12 punch card voting system to administer the regularly
13 scheduled general election for Federal office held in No-
14 vember 2000.

15 (b) USE OF FUNDS.—A State or unit of local govern-
16 ment shall use the funds provided under a payment under
17 this subtitle (either directly or as reimbursement) to re-
18 place its punch card voting system with a voting system
19 which does not use punch cards (by purchase, lease, or
20 such other arrangement as may be appropriate).

21 (c) DEADLINE.—

22 (1) IN GENERAL.—A State or unit of local gov-
23 ernment receiving a payment under the program
24 under this subtitle shall—

1 (A) obligate the funds provided for the
2 uses described in subsection (b) not later than
3 the date of the regularly scheduled general elec-
4 tion for Federal office to be held in November
5 2002; and

6 (B) ensure that all of the punch card vot-
7 ing systems under its jurisdiction have been re-
8 placed in time for the regularly scheduled gen-
9 eral election for Federal office to be held in No-
10 vember 2004.

11 (2) WAIVER.—If a State or unit of local govern-
12 ment provides the Election Assistance Commission
13 (established under section 201) (not later than the
14 date of the regularly scheduled general election for
15 Federal office to be held in November 2002) with a
16 notice that the State or unit will not meet the dead-
17 lines described in paragraph (1) and includes in the
18 notice the reasons for the failure to meet such dead-
19 lines, and the Commission finds that there is good
20 cause for the failure to meet such deadlines, para-
21 graph (1) shall apply to the State or unit as if—

22 (A) the reference in paragraph (1)(A) to
23 “November 2002” were a reference to “Novem-
24 ber 2004”; and

1 (B) the reference in paragraph (1)(B) to
2 “November 2004” were a reference to “Novem-
3 ber 2006”.

4 **SEC. 102. ELIGIBILITY.**

5 (a) STATES.—A State is eligible to receive a payment
6 under the program under this subtitle if it submits to the
7 Administrator an application not later than 120 days after
8 the date of the enactment of this Act (in such form as
9 the Administrator may require) which contains—

10 (1) assurances that the State will use the pay-
11 ment (either directly or as reimbursement) to re-
12 place punch card voting systems in jurisdictions
13 within the State which used such systems to carry
14 out the general Federal election held in November
15 2000;

16 (2) assurances that in replacing punch card vot-
17 ing systems the State will continue to meet its du-
18 ties under the Voting Accessibility for the Elderly
19 and Handicapped Act (42 U.S.C. 1973ee et seq.)
20 and the Americans With Disabilities Act;

21 (3) assurances that in replacing punch card vot-
22 ing systems the State will provide for alternative
23 language accessibility for individuals with limited
24 English proficiency, consistent with the requirements

1 of the Voting Rights Act of 1965 and any other ap-
2 plicable provisions of law; and

3 (4) such other information and assurances as
4 the Administrator may require which are necessary
5 for the administration of the program.

6 (b) UNIT OF LOCAL GOVERNMENT.—A unit of local
7 government is eligible to receive a payment under the pro-
8 gram under this subtitle if it submits to the
9 Administrator—

10 (1) not later than the date of the regularly
11 scheduled general election for Federal office to be
12 held in November 2002, a statement of its intent to
13 participate in the program, including assurances
14 that the State in which the unit is located—

15 (A) failed to submit an application under
16 subsection (a) within the deadline specified
17 under such subsection,

18 (B) is otherwise not eligible to receive a
19 payment under the program, or

20 (C) will not use the payment to replace
21 punch card voting systems in the unit; and

22 (2) an application (at such time and in such
23 form as the Administrator may require) which con-
24 tains similar assurances to those required to be pro-

1 vided by a State in its application under subsection
2 (a).

3 **SEC. 103. AMOUNT OF PAYMENT.**

4 (a) IN GENERAL.—The amount of payment made to
5 a State or unit of local government under the program
6 under this subtitle shall be equal to the applicable per pre-
7 cinct matching rate of the cost to the State or unit (as
8 the case may be) of replacing the punch card voting sys-
9 tems used in each precinct in the State or unit (as the
10 case may be), except that in no case may the amount of
11 the payment exceed the product of—

12 (1) the number of voting precincts administered
13 by the State or unit which used a punch card voting
14 system to carry out the general Federal election held
15 in November 2000; and

16 (2) \$6,000.

17 (b) APPLICABLE PER PRECINCT MATCHING RATE
18 DEFINED.—In subsection (a), the “applicable per precinct
19 matching rate” is—

20 (1) 90 percent; or

21 (2) 95 percent, in the case of a precinct whose
22 average per capita income is within the lowest quar-
23 tile of average per capita incomes for all precincts in
24 the United States (as determined by the 2000 decen-
25 nial census).

1 **SEC. 104. AUDIT AND REPAYMENT OF FUNDS.**

2 (a) AUDIT.—Funds provided under the program
3 under this subtitle shall be subject to audit by the Admin-
4 istrator.

5 (b) REPAYMENT FOR FAILURE TO MEET DEAD-
6 LINES.—If a State or unit of local government (as the case
7 may be) receiving funds under the program under this
8 subtitle fails to meet the deadlines applicable to the State
9 or unit under section 101(c), the State or unit shall pay
10 to the Administrator an amount equal to the amount of
11 the funds provided to the State or unit under the program.

12 **SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.**

13 For purposes of this subtitle, a “punch card voting
14 system” means any of the following voting systems:

- 15 (1) C.E.S.
- 16 (2) Datavote.
- 17 (3) PBC Counter.
- 18 (4) Pollstar.
- 19 (5) Punch Card.
- 20 (6) Vote Recorder.
- 21 (7) Votomatic.

22 **Subtitle B—Enhancing**
23 **Performance of Existing Systems**

24 **SEC. 111. ESTABLISHMENT OF PROGRAM.**

25 (a) IN GENERAL.—Not later than 30 days after the
26 date of the enactment of this Act, the Administrator shall

1 establish a program under which the Administrator shall
2 make a one-time payment to each eligible State or unit
3 of local government which used a punch card voting sys-
4 tem to administer the regularly scheduled general election
5 for Federal office held in November 2000.

6 (b) USE OF FUNDS.—A State or unit of local govern-
7 ment shall use the funds provided under a payment under
8 this subtitle (either directly or as reimbursement) to make
9 technical enhancements to the performance of its punch
10 card voting system (by any arrangement as may be appro-
11 priate).

12 (c) DEADLINE.—

13 (1) IN GENERAL.—A State or unit of local gov-
14 ernment receiving a payment under the program
15 under this subtitle shall—

16 (A) obligate the funds provided for the
17 uses described in subsection (b) not later than
18 the date of the regularly scheduled general elec-
19 tion for Federal office to be held in November
20 2002; and

21 (B) ensure that technical enhancements
22 have been made to the performance of all of the
23 punch card voting systems under its jurisdiction
24 in time for the regularly scheduled general elec-

1 tion for Federal office to be held in November
2 2004.

3 (2) WAIVER.—If a State or unit of local govern-
4 ment provides the Election Assistance Commission
5 (established under section 201) (not later than the
6 date of the regularly scheduled general election for
7 Federal office to be held in November 2002) with a
8 notice that the State or unit will not meet the dead-
9 lines described in paragraph (1) and includes in the
10 notice the reasons for the failure to meet such dead-
11 lines, and the Commission finds that there is good
12 cause for the failure to meet such deadlines, para-
13 graph (1) shall apply to the State or unit as if—

14 (A) the reference in paragraph (1)(A) to
15 “November 2002” were a reference to “Novem-
16 ber 2004”; and

17 (B) the reference in paragraph (1)(B) to
18 “November 2004” were a reference to “Novem-
19 ber 2006”.

20 **SEC. 112. ELIGIBILITY.**

21 (a) STATES.—Subject to subsection (c), a State is eli-
22 gible to receive a payment under the program under this
23 subtitle if it submits to the Administrator an application
24 not later than 120 days after the date of the enactment

1 of this Act (in such form as the Administrator may re-
2 quire) which contains—

3 (1) assurances that the State will use the pay-
4 ment (either directly or as reimbursement) to make
5 technical enhancements to the performance of punch
6 card voting systems in jurisdictions within the State
7 which used such systems to carry out the general
8 Federal election held in November 2000;

9 (2) assurances that in enhancing the perform-
10 ance of such voting systems the State will continue
11 to meets its duties under the Voting Accessibility for
12 the Elderly and Handicapped Act (42 U.S.C. 1973ee
13 et seq.) and the Americans With Disabilities Act;
14 and

15 (3) such other information and assurances as
16 the Administrator may require which are necessary
17 for the administration of the program.

18 (b) UNITS OF LOCAL GOVERNMENT.—Subject to
19 subsection (c), a unit of local government is eligible to re-
20 ceive a payment under the program under this subtitle if
21 it submits to the Administrator—

22 (1) not later than the date of the regularly
23 scheduled general election for Federal office to be
24 held in November 2002, a statement of its intent to

1 participate in the program, including assurances
2 that the State in which the unit is located—

3 (A) failed to submit an application under
4 subsection (a) within the deadline specified
5 under such subsection,

6 (B) is otherwise not eligible to receive a
7 payment under the program, or

8 (C) will not use the payment to enhance
9 the performance of punch card voting systems
10 in the unit; and

11 (2) an application (at such time and in such
12 form as the Administrator may require) which con-
13 tains similar assurances to those required to be pro-
14 vided by a State in its application under subsection
15 (a).

16 (c) PROHIBITING PARTICIPATION IN PUNCH CARD
17 REPLACEMENT PROGRAM.—A State or unit of local gov-
18 ernment is not eligible to receive a payment under the pro-
19 gram under this subtitle if the State or unit receives a
20 payment under the program under subtitle A.

21 **SEC. 113. AMOUNT OF PAYMENT.**

22 (a) IN GENERAL.—The amount of payment made to
23 a State or unit of local government under the program
24 under this subtitle shall be equal to the applicable per pre-
25 cinct matching rate of the cost to the State or unit (as

1 the case may be) of the activities to be funded with the
 2 payment under the program in each precinct in the State
 3 or unit (as the case may be), except that in no case may
 4 the amount of the payment exceed the product of—

5 (1) the number of voting precincts administered
 6 by the State or unit which used a punch card voting
 7 system to carry out the general Federal election held
 8 in November 2000; and

9 (2) \$2,000.

10 (b) APPLICABLE PER PRECINCT MATCHING RATE
 11 DEFINED.—In subsection (a), the “applicable per precinct
 12 matching rate” is—

13 (1) 90 percent; or

14 (2) 95 percent, in the case of a precinct whose
 15 average per capita income is within the lowest quar-
 16 tile of average per capita incomes for all precincts in
 17 the United States (as determined by the 2000 decen-
 18 nial census).

19 **SEC. 114. AUDIT AND REPAYMENT OF FUNDS.**

20 (a) AUDIT.—Funds provided under the program
 21 under this subtitle shall be subject to audit by the Admin-
 22 istrator.

23 (b) REPAYMENT FOR FAILURE TO MEET REQUIRE-
 24 MENTS.—If a State or unit of local government (as the
 25 case may be) receiving funds under the program under

1 this subtitle fails to meet the deadlines applicable to the
 2 State or unit under section 111(c), the State or unit shall
 3 pay to the Administrator an amount equal to the amount
 4 of the funds provided to the State or unit under the pro-
 5 gram.

6 **Subtitle C—General Provisions**

7 **SEC. 121. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
 9 priated for payments under this title \$400,000,000, to re-
 10 main available until expended (subject to subsection (b)).

11 (b) USE OF RETURNED FUNDS AND FUNDS REMAIN-
 12 ING UNEXPENDED FOR ELECTION FUND PAYMENTS.—

13 (1) IN GENERAL.—The amounts referred to in
 14 paragraph (2) shall be transferred to the Election
 15 Assistance Commission (established under title II)
 16 and used by the Commission to make Election Fund
 17 payments under part 1 of subtitle C of title II.

18 (2) AMOUNTS DESCRIBED.—The amounts re-
 19 ferred to in this paragraph are as follows:

20 (A) Any amounts appropriated pursuant to
 21 the authorization under this section which re-
 22 main unobligated as of the date of the regularly
 23 scheduled general election for Federal office
 24 held in November 2002.

1 (B) Any amounts paid to the Adminis-
 2 trator by a State or unit of local government
 3 under section 104(b).

4 (C) Any amounts paid to the Adminis-
 5 trator by a State or unit of local government
 6 under section 114(b).

7 **SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.**

8 For purposes of this title, a “punch card voting sys-
 9 tem” means any of the following voting systems:

- 10 (1) C.E.S.
- 11 (2) Datavote.
- 12 (3) PBC Counter.
- 13 (4) Pollstar.
- 14 (5) Punch Card.
- 15 (6) Vote Recorder.
- 16 (7) Votomatic.

17 **TITLE II—COMMISSION**
 18 **Subtitle A—Establishment and**
 19 **General Organization**

20 **PART 1—ELECTION ASSISTANCE COMMISSION**

21 **SEC. 201. ESTABLISHMENT.**

22 There is hereby established as an independent entity
 23 in the executive branch the Election Assistance Commis-
 24 sion (hereafter in this title referred to as the “Commis-
 25 sion”), consisting of—

- 1 (1) the members appointed under this part;
- 2 (2) the Election Assistance Commission Stand-
- 3 ards Board established under part 2 (including the
- 4 Executive Board of such Board); and
- 5 (3) the Election Assistance Commission Board
- 6 of Advisors established under part 2.

7 **SEC. 202. DUTIES.**

8 The Commission shall serve as a national clearing-
9 house and resource for the compilation of information and
10 review of procedures with respect to the administration of
11 Federal elections by—

- 12 (1) carrying out the duties described in subtitle
- 13 B (relating to voluntary election standards);
- 14 (2) carrying out the duties described in subtitle
- 15 C (relating to election assistance); and
- 16 (3) developing and carrying out the Help Amer-
- 17 ica Vote College Program under title III.

18 **SEC. 203. MEMBERSHIP AND APPOINTMENT.**

19 (a) MEMBERSHIP.—

20 (1) IN GENERAL.—The Commission shall have
21 4 members appointed by the President, by and with
22 the consent of the Senate, of whom—

- 23 (A) 1 shall be appointed from among a list
- 24 of nominees submitted by the majority leader of
- 25 the Senate;

1 (B) 1 shall be appointed from among a list
2 of nominees submitted by the minority leader of
3 the Senate;

4 (C) 1 shall be appointed from among a list
5 of nominees submitted by the Speaker of the
6 House of Representatives; and

7 (D) 1 shall be appointed from among a list
8 of nominees submitted by the minority leader of
9 the House of Representatives.

10 (2) QUALIFICATIONS.—Each member of the
11 Commission shall have experience with or expertise
12 in election administration or the study of elections,
13 except that no individual may serve as a member of
14 the Commission if the individual is an officer or em-
15 ployee of the Federal Government at any time dur-
16 ing the period of service on the Commission.

17 (3) DATE OF APPOINTMENT.—The appoint-
18 ments of the members of the Commission shall be
19 made not later than 30 days after the date of enact-
20 ment of this Act.

21 (b) TERM OF SERVICE.—

22 (1) IN GENERAL.—Except as provided in para-
23 graphs (2) and (3), members shall serve for a term
24 of 4 years and may be reappointed for not more
25 than one additional term.

1 (2) TERMS OF INITIAL APPOINTEES.—As des-
2 ignated by the President at the time of appointment,
3 of the members first appointed—

4 (A) 2 of the members (not more than 1 of
5 whom may be affiliated with the same political
6 party) shall be appointed for a term of 2 years;
7 and

8 (B) 2 of the members (not more than 1 of
9 whom may be affiliated with the same political
10 party) shall be appointed for a term of 4 years.

11 (3) VACANCIES.—

12 (A) IN GENERAL.—A vacancy on the Com-
13 mission shall be filled in the manner in which
14 the original appointment was made and shall be
15 subject to any conditions which applied with re-
16 spect to the original appointment.

17 (B) EXPIRED TERMS.—A member of the
18 Commission may serve on the Commission after
19 the expiration of the member's term until the
20 successor of such member has taken office as a
21 member of the Commission.

22 (C) UNEXPIRED TERMS.—An individual
23 chosen to fill a vacancy shall be appointed for
24 the unexpired term of the member replaced.

1 (c) CHAIR AND VICE CHAIR.—The Commission shall
2 select a chair and vice chair from among its members for
3 a term of 1 year, except that the chair and vice chair may
4 not be affiliated with the same political party.

5 (d) COMPENSATION.—

6 (1) IN GENERAL.—Members of the Commission
7 shall each be paid at an annual rate equal to
8 \$30,000.

9 (2) TRAVEL EXPENSES.—Members of the Com-
10 mission shall each receive travel expenses, including
11 per diem in lieu of subsistence, at rates authorized
12 for employees of agencies under subchapter I of
13 chapter 57 of title 5, United States Code, while
14 away from their homes or regular places of business
15 in the performance of services for the Commission.

16 (3) OUTSIDE EMPLOYMENT PERMITTED.—A
17 member of the Commission may hold any other of-
18 fice or employment not inconsistent or in conflict
19 with the member's duties, responsibilities, and pow-
20 ers as a member of the Commission.

21 **SEC. 204. STAFF.**

22 (a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

23 (1) IN GENERAL.—The Commission shall have
24 an Executive Director, who shall be paid at a rate

1 not to exceed the rate of basic pay for level V of the
2 Executive Schedule.

3 (2) TERM OF SERVICE FOR EXECUTIVE DIREC-
4 TOR.—Except as provided in paragraph (3)(C), the
5 Executive Director shall serve for a term of 4 years.
6 An Executive Director may be reappointed for addi-
7 tional terms.

8 (3) PROCEDURE FOR APPOINTMENT.—

9 (A) IN GENERAL.—When a vacancy exists
10 in the position of the Executive Director, the
11 Election Assistance Commission Standards
12 Board and the Election Assistance Commission
13 Board of Advisors (described in part 2) shall
14 each appoint a search committee to recommend
15 not fewer than 3 nominees for the position.

16 (B) REQUIRING CONSIDERATION OF NOMI-
17 NEES.—Except as provided in subparagraph
18 (C), the Commission shall consider the nomi-
19 nees recommended by the Standards Board and
20 the Board of Advisors in appointing the Execu-
21 tive Director.

22 (C) SPECIAL RULES FOR FIRST EXECUTIVE
23 DIRECTOR.—

24 (i) CONVENING OF SEARCH COMMIT-
25 TEES.—The Standards Board and the

1 Board of Advisors shall each appoint a
2 search committee and recommend nomi-
3 nees for the position of Executive Director
4 in accordance with subparagraph (A) as
5 soon as practicable after the appointment
6 of their members.

7 (ii) INTERIM INITIAL APPOINT-
8 MENT.—Notwithstanding subparagraph
9 (B), the Commission may appoint an indi-
10 vidual to serve as the first Executive Di-
11 rector prior to the recommendation of
12 nominees for the position by the Standards
13 Board or the Board of Advisors, except
14 that such individual's term of service may
15 not exceed 6 months. Nothing in the pre-
16 vious sentence may be construed to pro-
17 hibit the individual serving as the first Ex-
18 ecutive Director from serving any addi-
19 tional term.

20 (4) OTHER STAFF.—Subject to rules prescribed
21 by the Commission, the Executive Director may ap-
22 point and fix the pay of such additional personnel as
23 the Executive Director considers appropriate.

24 (5) APPLICABILITY OF CERTAIN CIVIL SERVICE
25 LAWS.—The Executive Director and staff of the

1 Commission may be appointed without regard to the
2 provisions of title 5, United States Code, governing
3 appointments in the competitive service, and may be
4 paid without regard to the provisions of chapter 51
5 and subchapter III of chapter 53 of that title relat-
6 ing to classification and General Schedule pay rates,
7 except that an individual so appointed may not re-
8 ceive pay in excess of the annual rate of basic pay
9 for level V of the Executive Schedule.

10 (b) EXPERTS AND CONSULTANTS.—Subject to rules
11 prescribed by the Commission, the Executive Director may
12 procure temporary and intermittent services under section
13 3109(b) of title 5, United States Code, with the approval
14 of a majority of the members of the Commission.

15 (c) STAFF OF FEDERAL AGENCIES.—Upon request
16 of the Chair, the head of any Federal department or agen-
17 cy may detail, on a reimbursable basis, any of the per-
18 sonnel of that department or agency to the Commission
19 to assist it in carrying out its duties under this Act.

20 (d) ARRANGING FOR ASSISTANCE FOR BOARD OF AD-
21 VISORS AND STANDARDS BOARD.—At the request of the
22 Election Assistance Commission Board of Advisors or the
23 Election Assistance Commission Standards Board estab-
24 lished under part 2, the Executive Director shall enter into
25 such arrangements as the Executive Director considers

1 appropriate to make personnel available to assist the
2 Boards with carrying out their duties under this title (in-
3 cluding contracts with private individuals for providing
4 temporary personnel services or the temporary detailing
5 of personnel of the Commission).

6 (e) CONSULTATION WITH BOARD OF ADVISORS AND
7 STANDARDS BOARD ON CERTAIN MATTERS.—In pre-
8 paring the program goals, long-term plans, mission state-
9 ments, and related matters for the Commission, the Exec-
10 utive Director and staff of the Commission shall consult
11 with the Election Assistance Commission Board of Advi-
12 sors and the Election Assistance Commission Standards
13 Board established under part 2.

14 **SEC. 205. POWERS.**

15 (a) HEARINGS AND SESSIONS.—The Commission
16 may hold such hearings for the purpose of carrying out
17 this Act, sit and act at such times and places, take such
18 testimony, and receive such evidence as the Commission
19 considers advisable to carry out this Act. The Commission
20 may administer oaths and affirmations to witnesses ap-
21 pearing before the Commission.

22 (b) INFORMATION FROM FEDERAL AGENCIES.—The
23 Commission may secure directly from any Federal depart-
24 ment or agency such information as the Commission con-
25 siders necessary to carry out this Act. Upon request of

1 the Chair of the Commission, the head of such department
2 or agency shall furnish such information to the Commis-
3 sion.

4 (c) POSTAL SERVICES.—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as other departments and agencies of
7 the Federal Government.

8 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
9 the request of the Chair of the Commission, the Adminis-
10 trator of General Services shall provide to the Commis-
11 sion, on a reimbursable basis, the administrative support
12 services that are necessary to enable the Commission to
13 carry out its duties under this Act.

14 (e) CONTRACTS.—The Commission may contract
15 with and compensate persons and Federal agencies for
16 supplies and services without regard to section 3709 of
17 the Revised Statutes (41 U.S.C. 5).

18 **SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.**

19 The Commission shall not have any authority to issue
20 any rule, promulgate any regulation, or take any other ac-
21 tion which imposes any requirement on any State or unit
22 of local government, except to the extent permitted under
23 the National Voter Registration Act of 1993.

1 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2 In addition to the amounts authorized for payments
3 and grants under subtitle C and the amounts authorized
4 to be appropriated for the program under section 303,
5 there are authorized to be appropriated for each of the
6 fiscal years 2002 through 2004 such sums as may be nec-
7 essary (but not to exceed \$10,000,000 for each such year)
8 for the Commission to carry out its duties under this title.

9 **PART 2—ELECTION ASSISTANCE COMMISSION**

10 **STANDARDS BOARD AND BOARD OF ADVISORS**

11 **SEC. 211. ESTABLISHMENT.**

12 There are hereby established the Election Assistance
13 Commission Standards Board (hereafter in this title re-
14 ferred to as the “Standards Board”) and the Election As-
15 sistance Commission Board of Advisors (hereafter in this
16 title referred to as the “Board of Advisors”).

17 **SEC. 212. DUTIES.**

18 The Standards Board and the Board of Advisors
19 shall each, in accordance with the procedures described in
20 section 223, review any of the voluntary engineering and
21 procedural performance standards described in section
22 221(a)(1), any of the voluntary standards described in sec-
23 tion 221(a)(4), and any of the voluntary election manage-
24 ment practice standards described in section 221(a)(6)
25 (and any modifications to such standards) which are rec-
26 ommended by the Commission under subtitle B.

1 **SEC. 213. MEMBERSHIP OF STANDARDS BOARD.**

2 (a) COMPOSITION.—

3 (1) IN GENERAL.—Subject to certification by
4 the chair of the Federal Election Commission under
5 subsection (b), the Standards Board shall be com-
6 posed of 110 members as follows:

7 (A) 55 shall be the chief State election of-
8 ficials of each State.

9 (B) 55 shall be local election officials se-
10 lected in accordance with paragraph (2).

11 (2) LIST OF LOCAL ELECTION OFFICIALS.—

12 Each State's local election officials shall select
13 (under a process supervised by the chief election of-
14 ficial of the State) a representative local election of-
15 ficial from the State for purposes of paragraph
16 (1)(B). In the case of the District of Columbia,
17 Guam, and American Samoa, the chief election offi-
18 cial shall establish a procedure for selecting an indi-
19 vidual to serve as a local election official for pur-
20 poses of such paragraph, except that under such a
21 procedure the individual selected may not be a mem-
22 ber of the same political party as the chief election
23 official.

24 (3) REQUIRING MIX OF POLITICAL PARTIES
25 REPRESENTED.—The 2 members of the Standards

1 Board who represent the same State may not be
2 members of the same political party.

3 (b) PROCEDURES FOR NOTICE AND CERTIFICATION
4 OF APPOINTMENT.—

5 (1) NOTICE TO CHAIR OF FEDERAL ELECTION
6 COMMISSION.—Not later than 90 days after the date
7 of the enactment of this Act, a State shall transmit
8 a notice to chair of the Federal Election Commission
9 containing—

10 (A) a statement that the chief election offi-
11 cial of the State agrees to serve on the Stand-
12 ards Board under this title; and

13 (B) the name of the representative local
14 election official from the State selected under
15 subsection (a)(2) who will serve on the Stand-
16 ards Board under this title.

17 (2) CERTIFICATION.—Upon receiving a notice
18 from a State under paragraph (1), the chair of the
19 Federal Election Commission shall publish a certifi-
20 cation that the chief election official and the rep-
21 resentative local election official are appointed as
22 members of the Standards Board under this title.

23 (3) EFFECT OF FAILURE TO PROVIDE NO-
24 TICE.—If a State does not transmit a notice to the
25 chair of the Federal Election Commission under

1 paragraph (1) within the deadline described in such
2 paragraph, no representative from the State may
3 participate in the selection of the Executive Board
4 under subsection (c).

5 (4) ROLE OF COMMISSION.—Upon the appoint-
6 ment of the members of the Election Assistance
7 Commission, the Election Assistance Commission
8 shall carry out the duties of the Federal Election
9 Commission under this subsection.

10 (c) EXECUTIVE BOARD.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the last day on which the appointment of any of its
13 members may be certified under subsection (b), the
14 Standards Board shall select 9 of its members to
15 serve as the Executive Board of the Standards
16 Board, of whom—

17 (A) not more than 5 may be chief State
18 election officials;

19 (B) not more than 5 may be local election
20 officials; and

21 (C) not more than 5 may be members of
22 the same political party.

23 (2) TERMS.—Except as provided in paragraph

24 (3), members of the Executive Board of the Stand-

1 ards Board shall serve for a term of 2 years and
2 may not serve for more than 3 consecutive terms.

3 (3) STAGGERING OF INITIAL TERMS.—Of the
4 members first selected to serve on the Executive
5 Board of the Standards Board—

6 (A) 3 shall serve for one term;

7 (B) 3 shall serve for 2 consecutive terms;

8 and

9 (C) 3 shall serve for 3 consecutive terms,
10 as determined by lot at the time the members are
11 first appointed.

12 (4) DUTIES.—In addition to any other duties
13 assigned under this title, the Executive Board of the
14 Standards Board may carry out such duties of the
15 Standards Board as the Standards Board may dele-
16 gate.

17 **SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.**

18 (a) IN GENERAL.—The Board of Advisors shall be
19 composed of 25 members appointed as follows:

20 (1) 2 members appointed by the United States
21 Commission on Civil Rights.

22 (2) 2 members appointed by the Architectural
23 and Transportation Barrier Compliance Board
24 under section 502 of the Rehabilitation Act of 1973
25 (29 U.S.C. 792).

1 (3) 2 members appointed by the National Gov-
2 ernors Association.

3 (4) 2 members appointed by the National Con-
4 ference of State Legislatures.

5 (5) 2 members appointed by the National Asso-
6 ciation of Secretaries of State.

7 (6) 2 members appointed by the National Asso-
8 ciation of State Election Directors.

9 (7) 2 members appointed by the National Asso-
10 ciation of Counties.

11 (8) 2 members appointed by the National Asso-
12 ciation of County Recorders, Election Administra-
13 tors, and Clerks.

14 (9) 2 members appointed by the United States
15 Conference of Mayors.

16 (10) 2 members appointed by the Election Cen-
17 ter.

18 (11) 2 members appointed by the International
19 Association of County Recorders, Election Officials,
20 and Treasurers.

21 (12) 2 members representing professionals in
22 the field of science and technology, of whom 1 shall
23 be appointed by the Speaker of the House of Rep-
24 resentatives and 1 shall be appointed by the majority
25 leader of the Senate (or, if the majority leader is a

1 member of the same political party as the Speaker,
 2 by the minority leader of the Senate).

3 (13) The chief of the Office of Public Integrity
 4 of the Department of Justice, or the chief's des-
 5 ignee.

6 (b) DIVERSITY IN APPOINTMENTS.—Appointments
 7 shall be made to the Board of Advisors under subsection
 8 (a) in a manner which ensures that the Board of Advisors
 9 will be bipartisan in nature and will reflect the various
 10 geographic regions of the United States.

11 (c) TERM OF SERVICE; VACANCY.—Members of the
 12 Board of Advisors shall serve for a term of 2 years, and
 13 may be reappointed. Any vacancy in the Board of Advisors
 14 shall be filled in the manner in which the original appoint-
 15 ment was made.

16 (d) CHAIR.—The Board of Advisors shall elect a
 17 Chair from among its members.

18 **SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR**
 19 **SERVICE.**

20 (a) HEARINGS AND SESSIONS.—

21 (1) IN GENERAL.—To the extent that funds are
 22 made available by the Commission, the Standards
 23 Board (acting through the Executive Board) and the
 24 Board of Advisors may each hold such hearings for
 25 the purpose of carrying out this Act, sit and act at

1 such times and places, take such testimony, and re-
2 ceive such evidence as each such Board considers ad-
3 visable to carry out this title, except that the Boards
4 may not issue subpoenas requiring the attendance
5 and testimony of witnesses or the production of any
6 evidence.

7 (2) MEETINGS.—The Standards Board and the
8 Board of Advisors shall each hold a meeting of its
9 members—

10 (A) not less frequently than once every
11 year for purposes of voting on the standards re-
12 ferred to it under section 223;

13 (B) in the case of the Standards Board,
14 not less frequently than once every 2 years for
15 purposes of selecting the Executive Board; and

16 (C) at such other times as it considers ap-
17 propriate for purposes of conducting such other
18 business as it considers appropriate consistent
19 with this title.

20 (b) INFORMATION FROM FEDERAL AGENCIES.—The
21 Standards Board and the Board of Advisors may each se-
22 cure directly from any Federal department or agency such
23 information as the Board considers necessary to carry out
24 this Act. Upon request of the Executive Board (in the case
25 of the Standards Board) or the Chair (in the case of the

1 Board of Advisors), the head of such department or agen-
2 cy shall furnish such information to the Board.

3 (c) POSTAL SERVICES.—The Standards Board and
4 the Board of Advisors may use the United States mails
5 in the same manner and under the same conditions as a
6 department or agency of the Federal Government.

7 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
8 the request of the Executive Board (in the case of the
9 Standards Board) or the Chair (in the case of the Board
10 of Advisors), the Administrator of the General Services
11 Administration shall provide to the Board, on a reimburs-
12 able basis, the administrative support services that are
13 necessary to enable the Board to carry out its duties under
14 this title.

15 (e) NO COMPENSATION FOR SERVICE.—Members of
16 the Standards Board and members of the Board of Advi-
17 sors shall not receive any compensation for their service,
18 but shall be paid travel expenses, including per diem in
19 lieu of subsistence, at rates authorized for employees of
20 agencies under subchapter I of chapter 57 of title 5,
21 United States Code, while away from their homes or reg-
22 ular places of business in the performance of services for
23 the Board.

1 **SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PUR-**
 2 **POSES OF CLAIMS AGAINST BOARD.**

3 (a) IN GENERAL.—The provisions of chapters 161
 4 and 171 of title 28, United States Code, shall apply with
 5 respect to the liability of the Standards Board, the Board
 6 of Advisors, and their members for acts or omissions per-
 7 formed pursuant to and in the course of the duties and
 8 responsibilities of the Board.

9 (b) EXCEPTION FOR CRIMINAL ACTS AND OTHER
 10 WILLFUL CONDUCT.—Subsection (a) may not be con-
 11 strued to limit personal liability for criminal acts or omis-
 12 sions, willful or malicious misconduct, acts or omissions
 13 for private gain, or any other act or omission outside the
 14 scope of the service of a member of the Standards Board
 15 or the Board of Advisors.

16 **Subtitle B—Voluntary Election**
 17 **Standards**

18 **SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION**
 19 **STANDARDS.**

20 (a) IN GENERAL.—The Commission shall:

21 (1) In accordance with section 223, develop
 22 (through the Executive Director of the Commission),
 23 adopt, and update (not less often than every 4 years
 24 thereafter) voluntary engineering and procedural
 25 performance standards for voting systems used in

1 Federal elections which shall meet the following re-
2 quirements:

3 (A) The scope of the standards should in-
4 clude security (including a documentary audit
5 for non-ballot systems), the procedures for cer-
6 tification and decertification of software and
7 hardware, the assessment of usability, and oper-
8 ational guidelines for the proper use and main-
9 tenance of equipment.

10 (B) The standards should provide that vot-
11 ers have the opportunity to correct errors at the
12 precinct or other polling place, either within the
13 voting equipment itself or in the operational
14 guidelines to administrators for using the
15 equipment, under conditions which assure pri-
16 vacy to the voter.

17 (C) Each voting tally system certified for
18 use should include as part of the certification a
19 proposed statement of what constitutes a prop-
20 er vote in the design and operation of the sys-
21 tem.

22 (D) New voting equipment systems cer-
23 tified either by the Federal government or by
24 any State should provide a practical and effec-

1 tive means for voters with physical disabilities
2 to cast a secret ballot.

3 (2) Maintain a clearinghouse of information on
4 the experiences of State and local governments in
5 implementing the voluntary standards described in
6 paragraph (1) and in operating voting systems in
7 general.

8 (3) In accordance with section 224, provide for
9 the voluntary testing, certification, decertification,
10 and recertification of voting systems.

11 (4) Advise States and units of local government
12 regarding compliance with the requirements of the
13 Voting Accessibility for the Elderly and Handi-
14 capped Act (42 U.S.C. 1973ee et seq.) and compli-
15 ance with other Federal laws regarding accessibility
16 of registration facilities and polling places. Addition-
17 ally, in accordance with section 223, the Commission
18 shall develop (through the Executive Director of the
19 Commission), adopt, and update (not less often than
20 every 4 years thereafter) voluntary standards for
21 maintaining and enhancing the accessibility and pri-
22 vacy of registration facilities, polling places, and vot-
23 ing methods with the goal of promoting for all indi-
24 viduals, including the elderly and individuals with
25 disabilities, the accessibility of polling places and the

1 effective use of voting systems and voting equipment
2 which provide the opportunity for casting a secure
3 and secret ballot, and shall include in such stand-
4 ards voluntary guidelines regarding accessibility and
5 ease-of-use for States and units of local government
6 to use when obtaining voting equipment and select-
7 ing polling places. In carrying out this paragraph,
8 the Commission shall consult with the Architectural
9 and Transportation Barrier Compliance Board
10 under section 502 of the Rehabilitation Act of 1973
11 (29 U.S.C. 792) and other individuals and entities
12 with expertise in the accessibility of facilities for in-
13 dividuals with disabilities.

14 (5) Make periodic studies available to the public
15 regarding the election administration issues de-
16 scribed in subsection (b), with the goal of promoting
17 methods of voting and administering elections
18 which—

19 (A) will be the most convenient, accessible,
20 and easy to use for voters, including members
21 of the uniformed services, blind and disabled
22 voters, and voters with limited English pro-
23 ficiency;

1 (B) will yield the most accurate, secure,
2 and expeditious system for voting and tab-
3 ulating election results;

4 (C) will be nondiscriminatory and afford
5 each registered and eligible voter an equal op-
6 portunity to vote; and

7 (D) will be efficient and cost-effective for
8 use.

9 (6) In accordance with section 223, develop
10 (through the Executive Director of the Commission),
11 adopt, and update (not less often than every 4
12 years) voluntary election management practice
13 standards for State and local election officials to
14 maintain and enhance the administration of Federal
15 elections, including standards developed in consulta-
16 tion with the Secretary of Defense to govern the
17 treatment of absent uniformed services voters (as
18 defined in section 107(1) of the Uniformed and
19 Overseas Citizens Absentee Voting Act) and overseas
20 voters (as defined in section 107(5) of such Act)
21 which will include provisions to address each of the
22 following:

23 (A) The rights of residence of uniformed
24 services voters absent due to military orders.

1 (B) The rights of absent uniformed serv-
2 ices voters and overseas voters to register to
3 vote and cast absentee ballots.

4 (C) The rights of absent uniformed serv-
5 ices voters and overseas voters to submit absen-
6 tee ballot applications early during an election
7 year.

8 (D) The appropriate pre-election deadline
9 for mailing absentee ballots to absent uniformed
10 services voters and overseas voters.

11 (E) The appropriate minimum period be-
12 tween the mailing of absentee ballots to absent
13 uniformed services voters and overseas voters
14 and the deadline for receipt of such ballots.

15 (F) The timely transmission of balloting
16 materials to absent uniformed services voters
17 and overseas voters.

18 (G) Security and privacy concerns in the
19 transmission, receipt, and processing of ballots
20 from absent uniformed services voters and over-
21 seas voters, including the need to protect
22 against fraud.

23 (H) The use of a single application by ab-
24 sent uniformed services voters and overseas vot-

1 ers for absentee ballots for all Federal elections
2 occurring during a year.

3 (I) The use of a single application for voter
4 registration and absentee ballots by absent uni-
5 formed services voters and overseas voters.

6 (J) The use of facsimile machines and elec-
7 tronic means of transmission of absentee ballot
8 applications and absentee ballots to absent uni-
9 formed services voters and overseas voters.

10 (K) Other issues related to the rights of
11 absent uniformed services voters and overseas
12 voters to participate in elections.

13 (7) Carry out the provisions of section 9 of the
14 National Voter Registration Act of 1993 (42 U.S.C.
15 1973gg-7) regarding mail voter registration.

16 (8) Make information on the Federal election
17 system available to the public and the media.

18 (9) At the request of State officials, assist such
19 officials in the review of election or vote counting
20 procedures in Federal elections, through bipartisan
21 panels of election professionals assembled by the
22 Commission for such purpose.

23 (10) Compile and make available to the public
24 the official certified results of general elections for
25 Federal office and reports comparing the rates of

1 voter registration, voter turnout, voting system func-
2 tions, and ballot errors among jurisdictions in the
3 United States.

4 (11) Gather information and serve as a clear-
5 inghouse concerning issues relating to Federal,
6 State, and local elections.

7 (b) ELECTION ADMINISTRATION ISSUES DE-
8 SCRIBED.—The election administration issues described in
9 this subsection are as follows:

10 (1) Current and alternate methods and mecha-
11 nisms of voting and counting votes in elections for
12 Federal office.

13 (2) Current and alternate ballot designs for
14 elections for Federal office.

15 (3) Current and alternate methods of voter reg-
16 istration, maintaining secure and accurate lists of
17 registered voters (including the establishment of a
18 centralized, interactive, statewide voter registration
19 list linked to relevant agencies and all polling sites),
20 and ensuring that all registered voters appear on the
21 polling list at the appropriate polling site.

22 (4) Current and alternate methods of con-
23 ducting provisional voting.

24 (5) Current and alternate methods of ensuring
25 the accessibility of voting, registration, polling

1 places, and voting equipment to all voters, including
2 disabled voters and voters with limited English pro-
3 ficiency.

4 (6) Current and alternate methods of voter reg-
5 istration for members of the uniformed services and
6 overseas voters, and methods of ensuring that such
7 voters receive timely ballots that will be properly and
8 expeditiously handled and counted.

9 (7) Current and alternate methods of recruiting
10 and improving the performance of poll workers.

11 (8) Federal and State laws governing the eligi-
12 bility of persons to vote.

13 (9) Current and alternate methods of educating
14 voters about the process of registering to vote and
15 voting, the operation of voting mechanisms, the loca-
16 tion of polling places, and all other aspects of par-
17 ticipating in elections.

18 (10) Matters particularly relevant to voting and
19 administering elections in rural and urban areas.

20 (11) Conducting elections for Federal office on
21 different days, at different places, and during dif-
22 ferent hours, including the advisability of estab-
23 lishing a uniform poll closing time.

24 (12) The ways that the Federal Government
25 can best assist State and local authorities to improve

1 the administration of elections for Federal office and
2 what levels of funding would be necessary to provide
3 such assistance.

4 (c) CONSULTATION WITH STANDARDS BOARD AND
5 BOARD OF ADVISORS.—The Commission shall carry out
6 its duties under this subtitle in consultation with the
7 Standards Board and the Board of Advisors.

8 **SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COM-**
9 **MITTEE.**

10 (a) ESTABLISHMENT.—There is hereby established
11 the Technical Standards Development Committee (here-
12 after in this subtitle referred to as the “Development Com-
13 mittee”).

14 (b) DUTIES.—

15 (1) IN GENERAL.—The Development Committee
16 shall assist the Executive Director of the Commis-
17 sion in the development of voluntary standards
18 under this subtitle by recommending standards (and
19 modifications to standards) to ensure the usability,
20 accuracy, security, accessibility, and integrity of vot-
21 ing systems and voting equipment.

22 (2) DEADLINE FOR INITIAL SET OF REC-
23 OMMENDATIONS.—The Development Committee
24 shall provide its first set of recommendations under
25 this section to the Executive Director of the Com-

1 mission not later than 9 months after all of its mem-
2 bers have been appointed.

3 (c) MEMBERSHIP.—

4 (1) IN GENERAL.—The Development Committee
5 shall be composed of the Director of the National
6 Institute of Standards and Technology (who shall
7 serve as its chair), together with a group of 14 other
8 individuals appointed jointly by the Commission and
9 the Director of the National Institute of Standards
10 and Technology, consisting of the following:

11 (A) An equal number of each of the fol-
12 lowing:

13 (i) Members of the Standards Board.

14 (ii) Members of the Board of Advi-
15 sors.

16 (iii) Members of the Architectural and
17 Transportation Barrier Compliance Board
18 under section 502 of the Rehabilitation Act
19 of 1973 (29 U.S.C. 792).

20 (B) A representative of the American Na-
21 tional Standards Institute.

22 (C) Other individuals with technical and
23 scientific expertise relating to voting systems
24 and voting equipment.

1 (2) QUORUM.—A majority of the members of
2 the Development Committee shall constitute a
3 quorum, except that the Development Committee
4 may not conduct any business prior to the appoint-
5 ment of all of its members.

6 (d) NO COMPENSATION FOR SERVICE.—Members of
7 the Development Committee shall not receive any com-
8 pensation for their service, but shall be paid travel ex-
9 penses, including per diem in lieu of subsistence, at rates
10 authorized for employees of agencies under subchapter I
11 of chapter 57 of title 5, United States Code, while away
12 from their homes or regular places of business in the per-
13 formance of services for the Development Committee.

14 (e) TECHNICAL SUPPORT FROM NATIONAL INSTI-
15 TUTE OF STANDARDS AND TECHNOLOGY.—At the request
16 of the Development Committee, the Director of the Na-
17 tional Institute of Standards and Technology shall provide
18 the Development Committee with technical support nec-
19 essary for the Development Committee to carry out its du-
20 ties under this subtitle.

21 (f) PUBLICATION OF RECOMMENDATIONS IN FED-
22 ERAL REGISTER.—At the time the Commission adopts any
23 standard pursuant to section 223, the Development Com-
24 mittee shall cause to have published in the Federal Reg-
25 ister the recommendations it provided under this section

1 to the Executive Director of the Commission concerning
2 the standard adopted.

3 **SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STAND-**
4 **ARDS.**

5 (a) CONSIDERATION OF RECOMMENDATIONS OF DE-
6 VELOPMENT COMMITTEE; SUBMISSION OF PROPOSED
7 VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND
8 STANDARDS BOARD.—

9 (1) CONSIDERATION OF RECOMMENDATIONS OF
10 DEVELOPMENT COMMITTEE.—In developing stand-
11 ards and modifications for purposes of this section,
12 the Executive Director of the Commission shall take
13 into consideration the recommendations provided by
14 the Technical Standards Development Committee
15 under section 222.

16 (2) BOARD OF ADVISORS.—The Executive Di-
17 rector of the Commission shall submit each of the
18 voluntary engineering and procedural performance
19 standards (described in section 221(a)(1)), each of
20 the voluntary standards described in section
21 221(a)(4), and each of the voluntary election man-
22 agement practice standards (described in section
23 221(a)(6)) developed by the Executive Director (or
24 any modifications to such standards) to the Board
25 of Advisors.

1 (3) STANDARDS BOARD.—The Executive Direc-
2 tor of the Commission shall submit each of the vol-
3 untary engineering and procedural performance
4 standards (described in section 221(a)(1)), each of
5 the voluntary standards described in section
6 221(a)(4), and each of the voluntary election man-
7 agement practice standards (described in section
8 221(a)(6)) developed by the Executive Director (or
9 any modifications to such standards) to the Execu-
10 tive Board of the Standards Board, who shall review
11 the standard (or modification) and forward its rec-
12 ommendations to the Standards Board.

13 (b) REVIEW.—Upon receipt of a voluntary standard
14 described in subsection (a) (or modification of such a
15 standard) from the Executive Director of the Commission,
16 the Board of Advisors and the Standards Board shall each
17 review and submit comments and recommendations re-
18 garding the standard (or modification) to the Commission.

19 (c) FINAL APPROVAL.—

20 (1) IN GENERAL.—A voluntary standard de-
21 scribed in subsection (a) (or modification of such a
22 standard) shall not be considered to be finally adopt-
23 ed by the Commission unless the majority of the
24 members of the Commission vote to approve the
25 final adoption of the standard (or modification), tak-

ing into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).

SEC. 224. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

1 (b) LABORATORY ACCREDITATION.—

2 (1) RECOMMENDATIONS BY NATIONAL INSTI-
3 TUTE OF STANDARDS AND TECHNOLOGY.—Not later
4 than 6 months after the Commission first adopts
5 voluntary engineering and procedural performance
6 standards under this subtitle, the Director of the
7 National Institute of Standards and Technology
8 shall conduct an evaluation of independent, non-Fed-
9 eral laboratories and shall submit to the Commission
10 a list of those laboratories the Director proposes to
11 be accredited to carry out the testing, certification,
12 decertification, and recertification provided for under
13 this section.

14 (2) APPROVAL BY COMMISSION.—The Commis-
15 sion shall vote on the proposed accreditation of each
16 laboratory on the list submitted under paragraph
17 (1), and no laboratory may be accredited for pur-
18 poses of this section unless its accreditation is ap-
19 proved by a majority vote of the members of the
20 Commission.

21 (c) CONTINUING REVIEW BY NATIONAL INSTITUTE
22 OF STANDARDS AND TECHNOLOGY.—

23 (1) IN GENERAL.—In cooperation with the
24 Commission and in consultation with the Standards
25 Board and the Board of Advisors, the Director of

1 the National Institute of Standards and Technology
2 shall monitor and review, on an ongoing basis, the
3 performance of the laboratories accredited by the
4 Commission under this section, and shall make such
5 recommendations to the Commission as it considers
6 appropriate with respect to the continuing accredita-
7 tion of such laboratories, including recommendations
8 to revoke the accreditation of any such laboratory.

9 (2) APPROVAL BY COMMISSION REQUIRED FOR
10 REVOCATION.—The accreditation of a laboratory for
11 purposes of this section may not be revoked unless
12 the revocation is approved by a majority vote of the
13 members of the Commission.

14 **SEC. 225. DISSEMINATION OF INFORMATION.**

15 On an ongoing basis, the Commission shall dissemi-
16 nate to the public (through the Internet, published re-
17 ports, and such other methods as the Commission con-
18 siderers appropriate) information on the activities carried
19 out under this subtitle, including—

20 (1) the voluntary election standards adopted by
21 the Commission, together with guidelines for apply-
22 ing the standards and other information to assist in
23 their implementation;

24 (2) the list of laboratories accredited to carry
25 out testing, certification, decertification, and recer-

1 tification of voting system hardware and software
2 under section 224; and

3 (3) a list of voting system hardware and soft-
4 ware products which have been certified pursuant to
5 section 224 as meeting the applicable voluntary
6 standards adopted by the Commission under this
7 subtitle.

8 **Subtitle C—Election Assistance**

9 **PART 1—ELECTION FUND PAYMENTS TO STATES** 10 **FOR VOTING SYSTEM IMPROVEMENTS**

11 **SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOT-** 12 **ING SYSTEM IMPROVEMENTS.**

13 (a) IN GENERAL.—The Commission shall make an
14 Election Fund payment each year in an amount deter-
15 mined under section 232 to each State which meets the
16 requirements described in section 233 for the year.

17 (b) USE OF FUNDS.—A State receiving an Election
18 Fund payment shall use the payment for any or all of the
19 following activities:

20 (1) Establishing and maintaining accurate lists
21 of eligible voters.

22 (2) Encouraging eligible voters to vote.

23 (3) Improving verification and identification of
24 voters at the polling place.

1 (4) Improving equipment and methods for cast-
2 ing and counting votes.

3 (5) Recruiting and training election official and
4 poll workers.

5 (6) Improving the quantity and quality of avail-
6 able polling places.

7 (7) Educating voters about their rights and re-
8 sponsibilities.

9 (8) Assuring access for voters with physical dis-
10 abilities.

11 (9) Carrying out other activities to improve the
12 administration of elections in the State.

13 (c) ADOPTION OF COMMISSION STANDARDS NOT RE-
14 QUIRED TO RECEIVE PAYMENT.—Nothing in this part
15 may be construed to require a State to implement any of
16 the voluntary standards adopted by the Commission with
17 respect to any matter as a condition for receiving an Elec-
18 tion Fund payment.

19 (d) SCHEDULE OF PAYMENTS.—As soon as prac-
20 ticable after all members of the Commission are appointed
21 (but in no event later than 6 months thereafter), and not
22 less frequently than once each calendar year thereafter,
23 the Commission shall make Election Fund payments to
24 States under this part.

1 **SEC. 232. ALLOCATION OF FUNDS.**

2 (a) IN GENERAL.—Subject to subsection (c), the
3 amount of an Election Fund payment made to a State
4 for a year shall be equal to the product of—

5 (1) the total amount appropriated for Election
6 Fund payments for the year under section 234; and

7 (2) the State allocation percentage for the State
8 (as determined under subsection (b)).

9 (b) STATE ALLOCATION PERCENTAGE DEFINED.—
10 The “State allocation percentage” for a State is the
11 amount (expressed as a percentage) equal to the quotient
12 of—

13 (1) the voting age population of the State; and

14 (2) the total voting age population of all States.

15 (c) MINIMUM AMOUNT OF PAYMENT.—The amount
16 of an Election Fund payment made to a State for a year
17 may not be less than—

18 (1) in the case of any of the several States or
19 the District of Columbia, $\frac{1}{2}$ of 1 percent of the total
20 amount appropriated for Election Fund payments
21 for the year under section 234; or

22 (2) in the case of the Commonwealth of Puerto
23 Rico, Guam, American Samoa, or the United States
24 Virgin Islands, 20 percent of the amount described
25 in paragraph (1).

1 (d) CONTINUING AVAILABILITY OF FUNDS AFTER
2 APPROPRIATION.—An Election Fund payment made to a
3 State under this part shall be available to the State with-
4 out fiscal year limitation.

5 **SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.**

6 (a) IN GENERAL.—In order to receive an Election
7 Fund payment for a fiscal year, the chief State election
8 official of the State shall provide the Commission with the
9 following certifications:

10 (1) A certification that the State has authorized
11 and appropriated funds for carrying out the activi-
12 ties for which the Election Fund payment is made
13 in an amount equal to 25 percent of the total
14 amount to be spent for such activities (taking into
15 account the Election Fund payment and the amount
16 spent by the State).

17 (2) A certification that the State has set a uni-
18 form Statewide benchmark for voting system per-
19 formance in each local jurisdiction administering
20 elections, expressed as a percentage of residual vote
21 in the contest at the top of the ballot, and requires
22 local jurisdictions to report data relevant to this
23 benchmark after each general election for Federal
24 office.

1 (3) A certification that the State is in compli-
2 ance with the voluntary voting system standards and
3 certification processes adopted by the Commission or
4 that the State has enacted legislation establishing its
5 own State voting system standards and processes
6 which (at a minimum) ensure that new voting mech-
7 anisms have the audit capacity to produce a record
8 for each ballot cast.

9 (4) A certification that—

10 (A) in each precinct or polling place in the
11 State, there is at least one voting system avail-
12 able which is fully accessible to individuals with
13 physical disabilities; and

14 (B) if the State uses any portion of its
15 Election Fund payment to obtain new voting
16 machines, at least one voting machine in each
17 polling place in the State will be fully accessible
18 to individuals with physical disabilities.

19 (5) A certification that the State has estab-
20 lished a fund described in subsection (b) for pur-
21 poses of administering its activities under this part.

22 (6) A certification that, in administering elec-
23 tion systems, the State is in compliance with the ex-
24 isting applicable requirements of the Voting Rights
25 Act of 1965 (42 U.S.C. 1973 et seq.), the National

1 Voter Registration Act of 1993 (42 U.S.C. 1973gg
2 et seq.), the Voting Accessibility for the Elderly and
3 Handicapped Act (42 U.S.C. 1973ee et seq.), and
4 the Americans With Disabilities Act of 1990 (42
5 U.S.C. 12101 et seq.).

6 (7) A certification that the State provides for
7 voter education and poll worker training programs
8 to improve access to and participation in the elec-
9 toral process, and provides relevant training in the
10 requirements of the National Voter Registration Act
11 of 1993 for personnel of State motor vehicle author-
12 ity offices and other voter registration agencies des-
13 ignated by the State under such Act.

14 (8) A certification that the Election Fund pay-
15 ment has not and will not supplant funds provided
16 under existing programs funded in the State for car-
17 rying out the activities for which the Election Fund
18 payment is made.

19 (b) REQUIREMENTS FOR ELECTION FUND.—

20 (1) ELECTION FUND DESCRIBED.—For pur-
21 poses of subsection (a)(5), a fund described in this
22 subsection with respect to a State is a fund which
23 is established in the treasury of the State govern-
24 ment, which is used in accordance with paragraph
25 (2), and which consists of the following amounts:

1 (A) Amounts appropriated or otherwise
2 made available by the State for carrying out the
3 activities for which the Election Fund payment
4 is made to the State under this part.

5 (B) The Election Fund payment made to
6 the State under this part.

7 (C) Such other amounts as may be appro-
8 priated under law.

9 (D) Interest earned on deposits of the
10 fund.

11 (2) USE OF FUND.—Amounts in the fund shall
12 be used by the State exclusively to carry out the ac-
13 tivities for which the Election Fund payment is
14 made to the State under this part.

15 (c) METHODS OF COMPLIANCE LEFT TO DISCRETION
16 OF STATE.—The specific choices on the methods of com-
17 plying with the requirements described in subsection (a)
18 shall be left to the discretion of the State.

19 (d) CHIEF STATE ELECTION OFFICIAL DEFINED.—
20 In this subtitle, the “chief State election official” of a
21 State is the individual designated by the State under sec-
22 tion 10 of the National Voter Registration Act of 1993
23 (42 U.S.C. 1973gg–8) to be responsible for coordination
24 of the State’s responsibilities under such Act.

1 **SEC. 234. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for Election
3 Fund payments under this part an aggregate amount of
4 \$2,250,000,000 for fiscal years 2002 through 2004.

5 **PART 2—GRANTS FOR RESEARCH ON VOTING**
6 **TECHNOLOGY IMPROVEMENTS**

7 **SEC. 241. GRANTS FOR RESEARCH ON VOTING TECH-**
8 **NOLOGY IMPROVEMENTS.**

9 (a) IN GENERAL.—The Commission shall make
10 grants to assist entities in carrying out research and devel-
11 opment to improve the quality, reliability, accuracy, acces-
12 sibility, affordability, and security of voting equipment,
13 election systems, and voting technology.

14 (b) ELIGIBILITY.—An entity is eligible to receive a
15 grant under this part if it submits to the Commission (at
16 such time and in such form as the Commission may re-
17 quire) an application containing—

18 (1) assurances that the research and develop-
19 ment funded with the grant will take into account
20 the need to make voting equipment fully accessible
21 for individuals with disabilities (including blind indi-
22 viduals), the need to ensure that such individuals
23 can vote independently and with privacy, and the
24 need to provide alternative language accessibility for
25 individuals with limited proficiency in the English

1 language (consistent with the requirements of the
2 Voting Rights Act of 1965); and

3 (2) such other information and assurances as
4 the Commission may require.

5 (c) APPLICABILITY OF REGULATIONS GOVERNING
6 PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL
7 ASSISTANCE.—Any invention made by the recipient of a
8 grant under this part using funds provided under this part
9 shall be subject to chapter 18 of title 35, United States
10 Code (relating to patent rights in inventions made with
11 Federal assistance).

12 **SEC. 242. REPORT.**

13 (a) IN GENERAL.—Each entity which receives a
14 grant under this part shall submit to the Commission,
15 Congress, and the President a report describing the activi-
16 ties carried out with the funds provided under the grant.

17 (b) DEADLINE.—An entity shall submit a report re-
18 quired under subsection (a) not later than 60 days after
19 the end of the fiscal year for which the entity received
20 the grant which is the subject of the report.

21 **SEC. 243. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated for grants
23 under this part \$20,000,000 for fiscal year 2002.

1 **PART 3—PILOT PROGRAM FOR TESTING OF**
2 **EQUIPMENT AND TECHNOLOGY**

3 **SEC. 251. PILOT PROGRAM.**

4 (a) IN GENERAL.—The Commission shall make
5 grants to carry out pilot programs under which new tech-
6 nologies in voting systems and equipment are implemented
7 on a trial basis.

8 (b) ELIGIBILITY.—An entity is eligible to receive a
9 grant under this part if it submits to the Commission (at
10 such time and in such form as the Commission may re-
11 quire) an application containing—

12 (1) assurances that the pilot programs funded
13 with the grant will take into account the need to
14 make voting equipment fully accessible for individ-
15 uals with disabilities (including blind individuals),
16 the need to ensure that such individuals can vote
17 independently and with privacy, and the need to pro-
18 vide alternative language accessibility for individuals
19 with limited proficiency in the English language
20 (consistent with the requirements of the Voting
21 Rights Act of 1965); and

22 (2) such other information and assurances as
23 the Commission may require.

24 **SEC. 252. REPORT.**

25 (a) IN GENERAL.—Each entity which receives a
26 grant under this part shall submit to the Commission,

1 Congress, and the President a report describing the activi-
 2 ties carried out with the funds provided under the grant.

3 (b) DEADLINE.—An entity shall submit a report re-
 4 quired under subsection (a) not later than 60 days after
 5 the end of the fiscal year for which the entity received
 6 the grant which is the subject of the report.

7 **SEC. 253. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated for grants
 9 under this part \$10,000,000 for fiscal year 2002.

10 **PART 4—MISCELLANEOUS**

11 **SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS**
 12 **AND TECHNOLOGY.**

13 (a) RECOMMENDATION OF TOPICS FOR RESEARCH
 14 UNDER VOTING RESEARCH GRANTS AND PILOT PRO-
 15 GRAMS.—The Director of the National Institute of Stand-
 16 ards and Technology (hereafter in this section referred to
 17 as the “Director”) shall submit to the Commission an an-
 18 nual list of the Director’s suggestions for issues which may
 19 be the subject of research funded with grants awarded
 20 under part 2 and part 3 during the year.

21 (b) REVIEW OF GRANT APPLICATIONS RECEIVED BY
 22 COMMISSION.—The Commission shall submit each appli-
 23 cation it receives for a grant under part 2 or part 3 to
 24 the Director, who shall review the application and provide

1 the Commission with such comments as the Director con-
2 siders appropriate.

3 (c) MONITORING AND ADJUSTMENT OF GRANT AC-
4 TIVITIES.—After the Commission has awarded a grant
5 under part 2 or part 3, the Director shall monitor the
6 grant and (to the extent permitted under the terms of the
7 grant as awarded) may recommend to the Commission
8 that the recipient of the grant modify and adjust the ac-
9 tivities carried out under the grant.

10 (d) EVALUATION OF COMPLETED GRANTS.—

11 (1) IN GENERAL.—After the recipient of a
12 grant awarded by the Commission has completed the
13 terms of the grant, the Director shall prepare and
14 submit to the Commission an evaluation of the grant
15 and the activities carried out under the grant.

16 (2) INCLUSION IN REPORTS.—The Commission
17 shall include the evaluations submitted under para-
18 graph (1) for a year in the report submitted for the
19 year under section 262.

20 (e) INTRAMURAL RESEARCH AND DEVELOPMENT.—
21 The Director shall establish a program for intramural re-
22 search and development in areas to support the develop-
23 ment of voluntary technical standards for voting products
24 and systems, including—

1 (1) the security of computers, computer net-
2 works, and computer data storage used in voting
3 products and systems, including the Statewide voter
4 registration networks required under the minimum
5 standard described in section 502(1);

6 (2) methods to detect and prevent fraud;

7 (3) the protection of voter privacy;

8 (4) the role of human factors in the design and
9 application of voting products and systems, including
10 assistive technologies for individuals with disabilities
11 and varying levels of literacy; and

12 (5) remote access voting, including voting
13 through the Internet.

14 **SEC. 262. REPORTS.**

15 (a) ANNUAL REPORTS ON ACTIVITIES.—Not later
16 than 90 days after the end of each fiscal year, the Com-
17 mission shall submit a report to the Committee on House
18 Administration of the House of Representatives and the
19 Committee on Rules and Administration of the Senate on
20 the activities carried out by the Commission under this
21 subtitle during the previous fiscal year, and shall include
22 in the report a description of all applications for Election
23 Fund payments and grants received by the Commission
24 during the year under this subtitle and the disposition of
25 such applications.

1 (b) REPORT ON HUMAN FACTOR RESEARCH.—Not
2 later than 1 year after the date of the enactment of this
3 Act, the Commission, in consultation with the Director of
4 the National Institute of Standards and Technology, shall
5 submit a report to Congress which assesses the areas of
6 human factor research, including usability engineering
7 and human-computer and human-machine interaction,
8 which feasibly could be applied to voting products and sys-
9 tems design to ensure the usability and accuracy of voting
10 products and systems, including methods to improve ac-
11 cess for individuals with disabilities and to reduce voter
12 error and the number of spoiled ballots in elections.

13 **SEC. 263. AUDIT.**

14 (a) IN GENERAL.—As a condition of receiving funds
15 under this subtitle, a State or entity described in part 2
16 or part 3 shall agree that such funds shall be subject to
17 audit if 2 or more members of the Commission vote to
18 require an audit.

19 (b) MANDATORY AUDIT.—In addition to audits con-
20 ducted pursuant to subsection (a), all funds provided
21 under this subtitle shall be subject to mandatory audit at
22 least once during the lifetime of the programs under this
23 subtitle.

1 **TITLE III—HELP AMERICA VOTE**
2 **COLLEGE PROGRAM**

3 **SEC. 301. ESTABLISHMENT OF PROGRAM.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 appointment of its members, the Election Assistance Com-
6 mission shall develop a program to be known as the “Help
7 America Vote College Program” (hereafter in this title re-
8 ferred to as the “Program”).

9 (b) PURPOSES OF PROGRAM.—The purpose of the
10 Program shall be—

11 (1) to encourage students enrolled at institu-
12 tions of higher education (including community col-
13 leges) to assist State and local governments in the
14 administration of elections by serving as nonpartisan
15 poll workers or assistants; and

16 (2) to encourage State and local governments to
17 use the services of the students participating in the
18 Program.

19 **SEC. 302. ACTIVITIES UNDER PROGRAM.**

20 (a) IN GENERAL.—In carrying out the Program, the
21 Commission (in consultation with the chief election official
22 of each State) shall develop materials, sponsor seminars
23 and workshops, engage in advertising targeted at stu-
24 dents, make grants, and take such other actions as it con-

1 siders appropriate to meet the purposes described in sec-
2 tion 301(b).

3 (b) REQUIREMENTS FOR GRANT RECIPIENTS.—In
4 making grants under the Program, the Commission shall
5 ensure that the funds provided are spent for projects and
6 activities which are carried out without partisan bias or
7 without promoting any particular point of view regarding
8 any issue, and that each recipient is governed in a bal-
9 anced manner which does not reflect any partisan bias.

10 (c) COORDINATION WITH INSTITUTIONS OF HIGHER
11 EDUCATION.—The Commission shall encourage institu-
12 tions of higher education (including community colleges)
13 to participate in the Program, and shall make all nec-
14 essary materials and other assistance (including materials
15 and assistance to enable the institution to hold workshops
16 and poll worker training sessions) available without charge
17 to any institution which desires to participate in the Pro-
18 gram.

19 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

20 In addition to any funds authorized to be appro-
21 priated to the Commission under section 207, there are
22 authorized to be appropriated to carry out this title—

23 (1) \$5,000,000 for fiscal year 2002; and

24 (2) such sums as may be necessary for each
25 succeeding fiscal year.

1 **TITLE IV—HELP AMERICA VOTE**
 2 **FOUNDATION**

3 **SEC. 401. HELP AMERICA VOTE FOUNDATION.**

4 (a) IN GENERAL.—Part B of subtitle II of title 36,
 5 United States Code, is amended by inserting after chapter
 6 1525 the following:

7 **“CHAPTER 1526—HELP AMERICA VOTE**
 8 **FOUNDATION**

“Sec.

“152601. Organization.

“152602. Purposes.

“152603. Board of directors.

“152604. Officers and employees.

“152605. Powers.

“152606. Principal office.

“152607. Service of process.

“152608. Annual audit.

“152609. Civil action by Attorney General for equitable relief.

“152610. Immunity of United States Government.

“152611. Authorization of appropriations.

“152612. Annual report.

9 **“§ 152601. Organization**

10 “(a) FEDERAL CHARTER.—The Help America Vote
 11 Foundation (in this chapter, the ‘foundation’) is a feder-
 12 ally chartered corporation.

13 “(b) NATURE OF FOUNDATION.—The foundation is
 14 a charitable and nonprofit corporation and is not an agen-
 15 cy or establishment of the United States Government.

16 “(c) PERPETUAL EXISTENCE.—Except as otherwise
 17 provided, the foundation has perpetual existence.

1 **“§ 152602. Purposes**

2 “(a) IN GENERAL.—The purposes of the foundation
3 are to—

4 “(1) mobilize secondary school students (includ-
5 ing students educated in the home) in the United
6 States to participate in the election process in a non-
7 partisan manner as poll workers or assistants;

8 “(2) place secondary school students (including
9 students educated in the home) as nonpartisan poll
10 workers or assistants to local election officials in
11 precinct polling places across the United States; and

12 “(3) establish cooperative efforts with State and
13 local election officials, local educational agencies, su-
14 perintendents and principals of public and private
15 secondary schools, and other appropriate nonprofit
16 charitable and educational organizations exempt
17 from taxation under section 501(a) of the Internal
18 Revenue Code of 1986 as an organization described
19 in section 501(c)(3) of such Code to further the pur-
20 poses of the foundation.

21 “(b) REQUIRING ACTIVITIES TO BE CARRIED OUT ON
22 NONPARTISAN BASIS.—The foundation shall carry out its
23 purposes without partisan bias or without promoting any
24 particular point of view regarding any issue, and shall en-
25 sure that each participant in its activities is governed in

1 a balanced manner which does not reflect any partisan
2 bias.

3 “(c) CONSULTATION WITH STATE ELECTION OFFI-
4 CIALS.—The foundation shall carry out its purposes under
5 this section in consultation with the chief election officials
6 of the States, the District of Columbia, the Commonwealth
7 of Puerto Rico, Guam, American Samoa, and the United
8 States Virgin Islands.

9 **“§ 152603. Board of directors**

10 “(a) GENERAL.—The board of directors is the gov-
11 erning body of the foundation.

12 “(b) MEMBERS AND APPOINTMENT.—(1) The board
13 consists of 12 directors, who shall be appointed not later
14 than 60 days after the date of the enactment of this chap-
15 ter as follows:

16 “(A) 4 directors (of whom not more than 2 may
17 be members of the same political party) shall be ap-
18 pointed by the President.

19 “(B) 2 directors shall be appointed by the
20 Speaker of the House of Representatives.

21 “(C) 2 directors shall be appointed by the mi-
22 nority leader of the House of Representatives.

23 “(D) 2 directors shall be appointed by the ma-
24 jority leader of the Senate.

1 “(E) 2 directors shall be appointed by the mi-
2 nority leader of the Senate.

3 “(2) In addition to the directors described in para-
4 graph (1), the chair and ranking minority member of the
5 Committee on House Administration of the House of Rep-
6 resentatives (or their designees) and the chair and ranking
7 minority member of the Committee on Rules and Adminis-
8 tration of the Senate (or their designees) shall each serve
9 as an ex officio nonvoting member of the board.

10 “(3) A director is not an employee of the Federal gov-
11 ernment and appointment to the board does not constitute
12 appointment as an officer or employee of the United
13 States Government for the purpose of any law of the
14 United States (except as may otherwise be provided in this
15 chapter).

16 “(4) The terms of office of the directors are 4 years.

17 “(5) A vacancy on the board shall be filled in the
18 manner in which the original appointment was made.

19 “(c) CHAIR.—The directors shall select one of the di-
20 rectors as the chair of the board. The individual selected
21 may not be a current or former holder of any partisan
22 elected office or a current or former officer of any national
23 committee of a political party.

1 “(d) QUORUM.—The number of directors constituting
2 a quorum of the board shall be established under the by-
3 laws of the foundation.

4 “(e) MEETINGS.—The board shall meet at the call
5 of the chair of the board for regularly scheduled meetings,
6 except that the board shall meet not less often than annu-
7 ally.

8 “(f) REIMBURSEMENT OF EXPENSES.—Directors
9 shall serve without compensation but may receive travel
10 expenses, including per diem in lieu of subsistence, in ac-
11 cordance with sections 5702 and 5703 of title 5.

12 “(g) LIABILITY OF DIRECTORS.—Directors are not
13 personally liable, except for gross negligence.

14 **“§ 152604. Officers and employees**

15 “(a) APPOINTMENT OF OFFICERS AND EMPLOY-
16 EES.—The board of directors appoints, removes, and re-
17 places officers and employees of the foundation.

18 “(b) STATUS AND COMPENSATION OF EMPLOYEES.—

19 “(1) IN GENERAL.—Officers and employees of
20 the foundation—

21 “(A) are not employees of the Federal gov-
22 ernment (except as may otherwise be provided
23 in this chapter);

1 “(B) shall be appointed and removed with-
 2 out regard to the provisions of title 5 governing
 3 appointments in the competitive service; and

4 “(C) may be paid without regard to chap-
 5 ter 51 and subchapter III of chapter 53 of title
 6 5.

7 “(2) AVAILABILITY OF FEDERAL EMPLOYEE
 8 RATES FOR TRAVEL.—For purposes of any schedules
 9 of rates negotiated by the Administrator of General
 10 Services for the use of employees of the Federal gov-
 11 ernment who travel on official business, officers and
 12 employees of the foundation who travel while en-
 13 gaged in the performance of their duties under this
 14 chapter shall be deemed to be employees of the Fed-
 15 eral government.

16 **“§ 152605. Powers**

17 “(a) GENERAL.—The foundation may—

18 “(1) adopt a constitution and bylaws;

19 “(2) adopt a seal which shall be judicially no-
 20 ticed; and

21 “(3) do any other act necessary to carry out
 22 this chapter.

23 “(b) POWERS AS TRUSTEE.—To carry out its pur-
 24 poses, the foundation has the usual powers of a corpora-

1 tion acting as a trustee in the District of Columbia, includ-
2 ing the power—

3 “(1) to accept, receive, solicit, hold, administer,
4 and use any gift, devise, or bequest, either absolutely
5 or in trust, of property or any income from or other
6 interest in property;

7 “(2) to acquire property or an interest in prop-
8 erty by purchase or exchange;

9 “(3) unless otherwise required by an instrument
10 of transfer, to sell, donate, lease, invest, or otherwise
11 dispose of any property or income from property;

12 “(4) to borrow money and issue instruments of
13 indebtedness;

14 “(5) to make contracts and other arrangements
15 with public agencies and private organizations and
16 persons and to make payments necessary to carry
17 out its functions;

18 “(6) to sue and be sued; and

19 “(7) to do any other act necessary and proper
20 to carry out the purposes of the foundation.

21 “(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift,
22 devise, or bequest may be accepted by the foundation even
23 though it is encumbered, restricted, or subject to beneficial
24 interests of private persons, if any current or future inter-
25 est is for the benefit of the foundation.

1 “(d) CONTRACTS.—The foundation may enter into
2 such contracts with public and private entities as it con-
3 siderers appropriate to carry out its purposes.

4 “(e) ANNUAL CONFERENCE IN WASHINGTON MET-
5 ROPOLITAN AREA.—During each year (beginning with
6 2003), the foundation may sponsor a conference in the
7 Washington, D.C., metropolitan area to honor secondary
8 school students and other individuals who have served (or
9 plan to serve) as poll workers and assistants and who have
10 otherwise participated in the programs and activities of
11 the foundation.

12 **“§ 152606. Principal office**

13 “The principal office of the foundation shall be in the
14 District of Columbia unless the board of directors deter-
15 mines otherwise. However, the foundation may conduct
16 business throughout the States, territories, and posses-
17 sions of the United States.

18 **“§ 152607. Service of process**

19 “The foundation shall have a designated agent to re-
20 ceive service of process for the foundation. Notice to or
21 service on the agent, or mailed to the business address
22 of the agent, is notice to or service on the foundation.

1 **“§ 152608. Annual audit**

2 “The foundation shall enter into a contract with an
3 independent auditor to conduct an annual audit of the
4 foundation.

5 **“§ 152609. Civil action by Attorney General for equi-**
6 **table relief**

7 “The Attorney General may bring a civil action in
8 the United States District Court for the District of Colum-
9 bia for appropriate equitable relief if the foundation—

10 “(1) engages or threatens to engage in any act,
11 practice, or policy that is inconsistent with the pur-
12 poses in section 152602 of this title; or

13 “(2) refuses, fails, or neglects to carry out its
14 obligations under this chapter or threatens to do so.

15 **“§ 152610. Immunity of United States Government**

16 “The United States Government is not liable for any
17 debts, defaults, acts, or omissions of the foundation. The
18 full faith and credit of the Government does not extend
19 to any obligation of the foundation.

20 **“§ 152611. Authorization of appropriations**

21 “There are authorized to be appropriated to the foun-
22 dation for carrying out the purposes of this chapter—

23 “(1) \$5,000,000 for fiscal year 2002; and

24 “(2) such sums as may be necessary for each
25 succeeding fiscal year.

1 **“§ 152612. Annual report**

2 “As soon as practicable after the end of each fiscal
3 year, the foundation shall submit a report to the Commis-
4 sion, the President, and Congress on the activities of the
5 foundation during the prior fiscal year, including a com-
6 plete statement of its receipts, expenditures, and invest-
7 ments. Such report shall contain information gathered
8 from participating secondary school students describing
9 the nature of the work they performed in assisting local
10 election officials and the value they derived from the expe-
11 rience of educating participants about the electoral proc-
12 ess.”.

13 (b) CLERICAL AMENDMENT.—The table of chapters
14 for part B of subtitle II of title 36, United States Code,
15 is amended by inserting after the item relating to chapter
16 1523 the following new item:

“1526. Help America Vote Foundation152601”.

17 **TITLE V—MINIMUM STANDARDS**
18 **FOR STATE ELECTION SYSTEMS**

19 **SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYS-**
20 **TEMS.**

21 (a) IN GENERAL.—The chief State election official of
22 each State shall certify in writing to the Election Assist-
23 ance Commission that—

24 (1) in administering election systems, the State
25 is in compliance with the existing applicable require-

1 ments of the Voting Rights Act of 1965, the Na-
 2 tional Voter Registration Act of 1993, the Uni-
 3 formed and Overseas Citizens Absentee Voting Act,
 4 the Voting Accessibility for the Elderly and Handi-
 5 capped Act, and the Americans With Disabilities Act
 6 of 1990; and

7 (2) the State has enacted legislation to enable
 8 the State to meet each of the minimum standards
 9 for State election systems described in section 502.

10 (b) METHODS OF IMPLEMENTATION LEFT TO DIS-
 11 CRETION OF STATE.—The specific choices on the methods
 12 of implementing the legislation enacted pursuant to sub-
 13 section (a)(2) shall be left to the discretion of the State.

14 (c) CHIEF STATE ELECTION OFFICIAL DEFINED.—
 15 In this title, the “chief State election official” of a State
 16 is the individual designated by the State under section 10
 17 of the National Voter Registration Act of 1993 (42 U.S.C.
 18 1973gg–8) to be responsible for coordination of the State’s
 19 responsibilities under such Act.

20 **SEC. 502. STANDARDS DESCRIBED.**

21 The minimum standards for State election systems
 22 described in this section are as follows:

23 (1) The State will implement a Statewide voter
 24 registration system networked to every local jurisdic-
 25 tion in the State, with provisions for sharing data

1 with other States, except that this paragraph shall
2 not apply in the case of a State in which, under law
3 in effect continuously on and after the date of the
4 enactment of this Act, there is no voter registration
5 requirement for any voter in the State with respect
6 to an election for Federal office.

7 (2) The State election system includes provi-
8 sions to ensure that voter registration records in the
9 State are accurate and are updated regularly, in-
10 cluding the following:

11 (A) A system of file maintenance which re-
12 moves registrants who are ineligible to vote
13 from the official list of eligible voters. Under
14 such system, consistent with the National Voter
15 Registration Act of 1993, registrants who have
16 not voted in 2 or more consecutive general elec-
17 tions for Federal office and who have not re-
18 sponded to a notice shall be removed from the
19 official list of eligible voters, except that no reg-
20 istrant may be removed solely by reason of a
21 failure to vote.

22 (B) Safeguards to ensure that eligible vot-
23 ers are not removed in error from the official
24 list of eligible voters.

1 (3) The State permits, by the deadline required
2 under section 504(b), in-precinct provisional voting
3 by every voter who claims to be qualified to vote in
4 the State, or has adopted an alternative which
5 achieves the same objective, except that this para-
6 graph shall not apply in the case of a State in
7 which, under law in effect continuously on and after
8 the date of the enactment of this Act, all votes in
9 the State in general elections for Federal office are
10 cast by mail.

11 (4) The State has adopted uniform standards
12 that define what will constitute a vote on each cat-
13 egory of voting equipment certified for use in the
14 State.

15 (5) The State has implemented safeguards to
16 ensure that absent uniformed services voters (as de-
17 fined in section 107(1) of the Uniformed and Over-
18 seas Citizens Absentee Voting Act) and overseas vot-
19 ers (as defined in section 107(5) of such Act) in the
20 jurisdiction have the opportunity to vote and to have
21 their votes counted.

22 (6) The State requires new voting systems to
23 provide a practical and effective means for voters
24 with physical disabilities to cast a secret ballot.

1 (7) If the State uses voting systems which give
2 voters the opportunity to correct errors, the State
3 shall ensure that voters are able to check for and
4 correct errors under conditions which assure privacy.
5 States, and units of local government within the
6 States, replacing all voting machines within their ju-
7 risdiction shall ensure that the new voting system
8 gives voters the opportunity to correct errors before
9 the vote is cast.

10 **SEC. 503. ENFORCEMENT.**

11 (a) REPORT BY COMMISSION TO ATTORNEY GEN-
12 ERAL.—If a State does not provide a certification under
13 section 501 to the Election Assistance Commission, or if
14 the Commission has credible evidence that a State’s cer-
15 tification is false or that a State is carrying out activities
16 in violation of the terms of the certification, the Commis-
17 sion shall notify the Attorney General.

18 (b) ACTION BY ATTORNEY GENERAL.—After receiv-
19 ing notice from the Commission under subsection (a), the
20 Attorney General may bring a civil action against a State
21 in an appropriate district court for such declaratory or in-
22 junctive relief as may be necessary to remedy a violation
23 of this title.

1 **SEC. 504. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), the requirements of this title shall take effect upon
4 the expiration of the 2-year period which begins on the
5 date of the enactment of this Act, except that if the chief
6 State election official of a State certifies that good cause
7 exists to waive the requirements of this title with respect
8 to the State until the date of the regularly scheduled gen-
9 eral election for Federal office held in November 2004,
10 the requirements shall apply with respect to the State be-
11 ginning on the date of such election.

12 (b) DEADLINES FOR IMPLEMENTATION OF PROVI-
13 SIONAL VOTING.—The minimum standard described in
14 section 502(3) (relating to permitting in-precinct provi-
15 sional voting) shall apply with respect to the regularly
16 scheduled general election for Federal office held in No-
17 vember 2002 and each succeeding election for Federal of-
18 fice, except that if the chief State election official of a
19 State certifies that good cause exists to delay the imple-
20 mentation of such standard in the State, the standard
21 shall apply in the State with respect to the regularly
22 scheduled general election for Federal office held in No-
23 vember 2004 and each succeeding election for Federal of-
24 fice held in the State.

1 **TITLE VI—VOTING RIGHTS OF**
2 **MILITARY MEMBERS AND**
3 **OVERSEAS CITIZENS**

4 **SEC. 601. VOTING ASSISTANCE PROGRAMS.**

5 (a) IN GENERAL.—(1) Chapter 80 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 1566. Voting assistance: compliance assessments;**
9 **assistance**

10 “(a) REGULATIONS.—The Secretary of Defense shall
11 prescribe regulations to require that the Army, Navy, Air
12 Force, and Marine Corps ensure their compliance with any
13 directives issued by the Secretary of Defense in imple-
14 menting any voting assistance program.

15 “(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In
16 this section, the term ‘voting assistance programs’
17 means—

18 “(1) the Federal Voting Assistance Program
19 carried out under the Uniformed and Overseas Citi-
20 zens Absentee Voting Act (42 U.S.C. 1973ff et
21 seq.); and

22 “(2) any similar program.

23 “(c) ANNUAL EFFECTIVENESS AND COMPLIANCE
24 REVIEWS.—(1) The Inspector General of each of the
25 Army, Navy, Air Force, and Marine Corps shall conduct—

1 “(A) an annual review of the effectiveness of
2 voting assistance programs; and

3 “(B) an annual review of the compliance with
4 voting assistance programs of that armed force.

5 “(2) Upon the completion of each annual review
6 under paragraph (1), each Inspector General specified in
7 that paragraph shall submit to the Inspector General of
8 the Department of Defense a report on the results of each
9 such review. Such report shall be submitted in time each
10 year to be reflected in the report of the Inspector General
11 of the Department of Defense under paragraph (3).

12 “(3) Not later than March 31 each year, the Inspec-
13 tor General of the Department of Defense shall submit
14 to Congress a report on—

15 “(A) the effectiveness during the preceding cal-
16 endar year of voting assistance programs; and

17 “(B) the level of compliance during the pre-
18 ceding calendar year with voting assistance pro-
19 grams of each of the Army, Navy, Air Force, and
20 Marine Corps.

21 “(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The
22 Inspector General of the Department of Defense shall pe-
23 riodically conduct at Department of Defense installations
24 unannounced assessments of the compliance at those in-
25 stallations with—

1 “(A) the requirements of the Uniformed and
2 Overseas Citizens Absentee Voting Act (42 U.S.C.
3 1973ff et seq.);

4 “(B) Department of Defense regulations re-
5 garding that Act and the Federal Voting Assistance
6 Program carried out under that Act; and

7 “(C) other requirements of law regarding voting
8 by members of the armed forces.

9 “(2) The Inspector General shall conduct an assess-
10 ment under paragraph (1) at not less than 10 Department
11 of Defense installations each calendar year.

12 “(3) Each assessment under paragraph (1) shall in-
13 clude a review of such compliance—

14 “(A) within units to which are assigned, in the
15 aggregate, not less than 20 percent of the personnel
16 assigned to duty at that installation;

17 “(B) within a representative survey of members
18 of the armed forces assigned to that installation and
19 their dependents; and

20 “(C) within unit voting assistance officers to
21 measure program effectiveness.

22 “(e) REGULAR MILITARY DEPARTMENT ASSESS-
23 MENTS.—The Secretary of each military department shall
24 include in the set of issues and programs to be reviewed
25 during any management effectiveness review or inspection

1 at the installation level an assessment of compliance with
2 the Uniformed and Overseas Citizens Absentee Voting Act
3 (42 U.S.C. 1973ff et seq.) and with Department of De-
4 fense regulations regarding the Federal Voting Assistance
5 Program.

6 “(f) VOTING ASSISTANCE OFFICERS.—(1) Voting as-
7 sistance officers shall be appointed or assigned under De-
8 partment of Defense regulations. Commanders at all levels
9 are responsible for ensuring that unit voting officers are
10 trained and equipped to provide information and assist-
11 ance to members of the armed forces on voting matters.
12 Performance evaluation reports pertaining to a member
13 who has been assigned to serve as a voting assistance offi-
14 cer shall comment on the performance of the member as
15 a voting assistance officer. The Secretary of each military
16 department shall certify to Congress that (at a minimum)
17 a voting assistance officer has been appointed or assigned
18 for each military installation and major command under
19 the jurisdiction of the department and that a replacement
20 will be appointed if the original officer is no longer able
21 to serve.

22 “(2) Under regulations and procedures prescribed by
23 the Secretary, a member of the armed forces appointed
24 or assigned to duty as a voting assistance officer shall,
25 to the maximum extent practicable, be given the time and

1 resources needed to perform the member’s duties as a vot-
2 ing assistance officer during the period in advance of a
3 general election when members and their dependents are
4 preparing and submitting absentee ballots.

5 “(3) As part of each assessment prepared by the Sec-
6 retary of a military department under subsection (e), the
7 Secretary shall—

8 “(A) specify the number of members of the
9 armed forces under the jurisdiction of the Secretary
10 who are appointed or assigned to duty as voting as-
11 sistance officers;

12 “(B) specify the ratio of voting assistance offi-
13 cers to active duty members of the armed forces
14 under the jurisdiction of the Secretary;

15 “(C) indicate whether this number and ratio
16 comply with the requirements of the Federal Voting
17 Assistance Program; and

18 “(D) describe the training such members re-
19 ceive to perform their duties as voting assistance of-
20 ficers.

21 “(g) REGISTRATION AND VOTING INFORMATION FOR
22 MEMBERS AND DEPENDENTS.—(1) The Secretary of each
23 military department, using a variety of means including
24 both print and electronic media, shall, to the maximum
25 extent practicable, ensure that members of the armed

1 forces and their dependents who are qualified to vote have
2 ready access to information regarding voter registration
3 requirements and deadlines (including voter registration),
4 absentee ballot application requirements and deadlines,
5 and the availability of voting assistance officers to assist
6 members and dependents to understand and comply with
7 these requirements.

8 “(2) The Secretary of each military department shall
9 make the national voter registration form prepared for
10 purposes of the Uniformed and Overseas Citizens Absen-
11 tee Voting Act by the Federal Election Commission avail-
12 able so that each person who enlists, reenlists, or volun-
13 tarily extends an enlistment or who completes a perma-
14 nent change of station in an active or reserve component
15 of the Army, Navy, Air Force, or Marine Corps shall re-
16 ceive such form at the time of the enlistment, reenlist-
17 ment, extension, or completion of the permanent change
18 of station, or as soon thereafter as practicable.

19 “(3) Where practicable, a special day or days shall
20 be designated at each military installation for the purpose
21 of informing members of the armed forces and their de-
22 pendants of election timing, registration requirements, and
23 voting procedures.

24 “(h) DELIVERY OF MAIL FROM OVERSEAS PRE-
25 CEDING FEDERAL ELECTIONS.—(1) During the four

1 months preceding a general Federal election month, the
2 Secretary of Defense shall periodically conduct surveys of
3 all overseas locations and vessels at sea with military units
4 responsible for collecting mail for return shipment to the
5 United States and all port facilities in the United States
6 and overseas where military-related mail is collected for
7 shipment to overseas locations or to the United States.
8 The purpose of each survey shall be to determine if voting
9 materials are awaiting shipment at any such location and,
10 if so, the length of time that such materials have been
11 held at that location. During the fourth and third months
12 before a general Federal election month, such surveys
13 shall be conducted biweekly. During the second and first
14 months before a general Federal election month, such sur-
15 veys shall be conducted weekly.

16 “(2) The Secretary shall ensure that voting materials
17 are transmitted expeditiously by military postal authorities
18 at all times. The Secretary shall, to the maximum extent
19 practicable, implement measures to ensure that a post-
20 mark or other official proof of mailing date is provided
21 on each absentee ballot collected at any overseas location
22 or vessel at sea whenever the Department of Defense is
23 responsible for collecting mail for return shipment to the
24 United States. The Secretary shall submit to Congress a
25 report describing the measures to be implemented to en-

1 sure the timely transmittal and postmarking of voting ma-
2 terials and identifying the persons responsible for imple-
3 menting such measures.

4 “(3) The Secretary of each military department, uti-
5 lizing the voting assistance officer network established for
6 each military installation, shall, to the maximum extent
7 practicable, provide notice to members of the armed forces
8 stationed at that installation of the last date before a gen-
9 eral Federal election for which absentee ballots mailed
10 from a postal facility located at that installation can rea-
11 sonably be expected to be timely delivered to the appro-
12 priate State and local election officials.

13 “(4) In this section, the term ‘general Federal elec-
14 tion month’ means November in an even-numbered year.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by adding at the end the following
17 new item:

“1566. Voting assistance: compliance assessments; assistance.”.

18 (b) INITIAL REPORT.—The first report under section
19 1566(c)(3) of title 10, United States Code, as added by
20 subsection (a), shall be submitted not later than March
21 31, 2003.

1 **SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PRO-**
2 **VIDE INFORMATION ON REGISTRATION AND**
3 **ABSENTEE BALLOTS FOR ALL VOTERS IN**
4 **STATE.**

5 Section 102 of the Uniformed and Overseas Citizens
6 Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

7 (1) by inserting “(a) IN GENERAL.—” before
8 “Each State”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) DESIGNATION OF SINGLE STATE OFFICE TO
12 PROVIDE INFORMATION ON REGISTRATION AND ABSEN-
13 TEE BALLOT PROCEDURES FOR ALL VOTERS IN
14 STATE.—

15 “(1) IN GENERAL.—Each State shall designate
16 a single office which shall be responsible for pro-
17 viding information regarding voter registration pro-
18 cedures and absentee ballot procedures (including
19 procedures relating to the use of the Federal write-
20 in absentee ballot) to all absent uniformed services
21 voters and overseas voters who wish to register to
22 vote or vote in any jurisdiction in the State.

23 “(2) RECOMMENDATION REGARDING USE OF
24 OFFICE TO ACCEPT AND PROCESS MATERIALS.—
25 Congress recommends that the State office des-
26 ignated under paragraph (1) be responsible for car-

1 rying out the State’s duties under this Act, including
2 accepting valid voter registration applications, absen-
3 tee ballot applications, and absentee ballots (includ-
4 ing Federal write-in absentee ballots) from all absent
5 uniformed services voters and overseas voters who
6 wish to register to vote or vote in any jurisdiction
7 in the State.”.

8 **SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED**
9 **AND RECEIVED AFTER GENERAL ELECTIONS.**

10 (a) IN GENERAL.—Section 102 of the Uniformed and
11 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
12 1), as amended by section 602, is amended by adding at
13 the end the following new subsection:

14 “(c) REPORT ON NUMBER OF ABSENTEE BALLOTS
15 TRANSMITTED AND RECEIVED.—Not later than 90 days
16 after the date of each regularly scheduled general election
17 for Federal office, each State and unit of local government
18 which administered the election shall (through the State,
19 in the case of a unit of local government) submit a report
20 to the Election Assistance Commission (established under
21 the Help America Vote Act of 2001) on the number of
22 absentee ballots transmitted to absent uniformed services
23 voters and overseas voters for the election and the number
24 of such ballots which were returned by such voters and

1 cast in the election, and shall make such report available
2 to the general public.”.

3 (b) DEVELOPMENT OF STANDARDIZED FORMAT FOR
4 REPORTS.—The Election Assistance Commission, working
5 with the Election Assistance Commission Board of Advi-
6 sors and the Election Assistance Commission Standards
7 Board, shall develop a standardized format for the reports
8 submitted by States and units of local government under
9 section 102(c) of the Uniformed and Overseas Citizens
10 Absentee Voting Act (as added by subsection (a)), and
11 shall make the format available to the States and units
12 of local government submitting such reports.

13 **SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND**
14 **ABSENTEE BALLOT APPLICATION PROCE-**
15 **DURES FOR ABSENT UNIFORMED SERVICES**
16 **AND OVERSEAS VOTERS.**

17 (a) REQUIRING STATES TO ACCEPT OFFICIAL FORM
18 FOR SIMULTANEOUS VOTER REGISTRATION AND ABSEN-
19 TEE BALLOT APPLICATION; DEADLINE FOR PROCESSING
20 APPLICATION.—

21 (1) IN GENERAL.—Section 102(a) of the Uni-
22 formed and Overseas Citizens Absentee Voting Act
23 (42 U.S.C. 1973ff–1), as amended by section 602,
24 is amended—

1 (A) by amending paragraph (2) to read as
 2 follows:

3 “(2) accept and process, with respect to any
 4 election for Federal office, any otherwise valid voter
 5 registration application and absentee ballot applica-
 6 tion from an absent uniformed services voter or
 7 overseas voter, if the application is received by the
 8 appropriate State election official not less than 30
 9 days before the election;”;

10 (B) by striking the period at the end of
 11 paragraph (3) and inserting “; and”; and

12 (C) by adding at the end the following new
 13 paragraph:

14 “(4) use the official post card form (prescribed
 15 under section 101) for simultaneous voter registra-
 16 tion application and absentee ballot application.”.

17 (2) CONFORMING AMENDMENTS.—Section
 18 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is
 19 amended by striking “as recommended in section
 20 104” and inserting “as required under section
 21 102(4)”.

22 (b) USE OF SINGLE APPLICATION FOR ALL SUBSE-
 23 QUENT ELECTIONS.—Section 104 of such Act (42 U.S.C.
 24 1973ff–3) is amended to read as follows:

1 **“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSE-**
2 **QUENT ELECTIONS.**

3 “(a) IN GENERAL.—If a State accepts and processes
4 an official post card form (prescribed under section 101)
5 submitted by an absent uniformed services voter or over-
6 seas voter for simultaneous voter registration and absen-
7 tee ballot application (in accordance with section
8 102(a)(4)) and the voter requests that the application be
9 considered an application for an absentee ballot for each
10 subsequent election for Federal office held in the State
11 during that year, the State shall provide an absentee ballot
12 to the voter for each subsequent election for Federal office
13 held in the State during that year.

14 “(b) EXCEPTION FOR VOTERS CHANGING REGISTRA-
15 TION.—Subsection (a) shall not apply with respect to a
16 voter registered to vote in a State for any election held
17 after the voter notifies the State that the voter no longer
18 wishes to be registered to vote in the State or after the
19 State determines that the voter has registered to vote in
20 another State.

21 “(c) REVISION OF OFFICIAL POST CARD FORM.—
22 The Presidential designee shall revise the official post card
23 form (prescribed under section 101) to enable a voter
24 using the form to—

25 “(1) request an absentee ballot for each election
26 for Federal office held in a State during a year; or

1 “(2) request an absentee ballot for only the
 2 next scheduled election for Federal office held in a
 3 State.

4 “(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—
 5 Nothing in this section may be construed to prevent a
 6 State from removing any voter from the rolls of registered
 7 voters in the State under any program or method per-
 8 mitted under section 8 of the National Voter Registration
 9 Act of 1993.”.

10 **SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DES-**
 11 **IGNEE UNDER UNIFORMED AND OVERSEAS**
 12 **CITIZENS ABSENTEE VOTING ACT.**

13 (a) EDUCATING ELECTION OFFICIALS ON RESPON-
 14 SIBILITIES UNDER ACT.—Section 101(b)(1) of the Uni-
 15 formed and Overseas Citizens Absentee Voting Act (42
 16 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon
 17 at the end and inserting the following: “, and ensuring
 18 that such officials are aware of the requirements of this
 19 Act;”.

20 (b) DEVELOPMENT OF STANDARD OATH FOR USE
 21 WITH MATERIALS.—

22 (1) IN GENERAL.—Section 101(b) of such Act
 23 (42 U.S.C. 1973ff(b)) is amended—

24 (A) by striking “and” at the end of para-
 25 graph (5);

1 (B) by striking the period at the end of
 2 paragraph (6) and inserting “; and”; and

3 (C) by adding at the end the following new
 4 paragraph:

5 “(7) prescribe a standard oath for use with any
 6 document under this title affirming that a material
 7 misstatement of fact in the completion of such a
 8 document may constitute grounds for a conviction
 9 for perjury.”.

10 (2) REQUIRING STATES TO USE STANDARD
 11 OATH.—Section 102(a) of such Act (42 U.S.C.
 12 1973ff–1(b)), as amended by sections 603 and
 13 605(a), is amended—

14 (A) by striking “and” at the end of para-
 15 graph (3);

16 (B) by striking the period at the end of
 17 paragraph (4) and inserting “; and”; and

18 (C) by adding at the end the following new
 19 paragraph:

20 “(5) if the State requires an oath or affirmation
 21 to accompany any document under this title, use the
 22 standard oath prescribed by the Presidential des-
 23 ignee under section 101(b)(7).”.

24 (c) PROVIDING BREAKDOWN BETWEEN OVERSEAS
 25 VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN

1 STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Sec-
 2 tion 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is
 3 amended by inserting after “participation” the following:
 4 “(listed separately for overseas voters and absent uni-
 5 formed services voters)”.

6 **TITLE VII—REDUCED POSTAGE**
 7 **RATES FOR OFFICIAL ELEC-**
 8 **TION MAIL**

9 **SEC. 701. REDUCED POSTAGE RATES FOR OFFICIAL ELEC-**
 10 **TION MAIL.**

11 (a) IN GENERAL.—Section 3629 of title 39, United
 12 States Code, is amended to read as follows:

13 **“§ 3629. Reduced rates for official election mail**

14 “(a) Notwithstanding any other provision of this title,
 15 the rate of postage for any first-class mail matter shall,
 16 in the case of official election mail, be equal to 50 percent
 17 of the regular first-class rate, subject to subsection (c).

18 “(b) For purposes of this section, the term ‘official
 19 election mail’ means any mailing by a State or local elec-
 20 tion official that—

21 “(1) is mailed in the course of official business;

22 “(2) consists of voter registration or election in-
 23 formation or assistance prepared and mailed in a
 24 nonpartisan manner; and

1 “(3) bears such logo or other markings as the
2 Postal Service may require.

3 Such term does not include any mailing that includes any
4 mail matter intended to promote government action unre-
5 lated to the conduct of an election.

6 “(c) Nothing in this section shall, with respect to any
7 official election mail, be considered to make unavailable—

8 “(1) any free mailing privilege under section
9 3406 or any other provision of law for which such
10 mail otherwise qualifies; or

11 “(2) any reduced rate of postage under section
12 3626 or any other provision of law for which such
13 mail otherwise qualifies, if lower than the rate that
14 would otherwise apply under subsection (a).”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 36 of title 39, United States Code, is amended
17 by striking the item relating to section 3629 and inserting
18 the following:

“3629. Reduced rates for official election mail.”.

1 **TITLE VIII—TRANSITION**
2 **PROVISIONS**
3 **Subtitle A—Transfer to Commis-**
4 **sion of Functions Under Certain**
5 **Laws**

6 **SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.**

7 (a) TRANSFER OF FUNCTIONS OF OFFICE OF ELEC-
8 TION ADMINISTRATION OF FEDERAL ELECTION COMMIS-
9 SION.—There are transferred to the Election Assistance
10 Commission established under section 201 all functions
11 which the Office of the Election Administration, estab-
12 lished within the Federal Election Commission, exercised
13 before the date of enactment of this Act.

14 (b) CONFORMING AMENDMENT.—Section 311(a) of
15 the Federal Election Campaign Act of 1971 (2 U.S.C.
16 438(a)) is amended—

17 (1) in paragraph (8), by inserting “and” at the
18 end;

19 (2) in paragraph (9), by striking “; and” and
20 inserting a period; and

21 (3) by striking paragraph (10) and the second
22 and third sentences.

23 **SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.**

24 (a) TRANSFER OF FUNCTIONS.—There are trans-
25 ferred to the Election Assistance Commission established

1 under section 201 all functions which the Federal Election
2 Commission exercised under the National Voter Registra-
3 tion Act of 1993 before the date of enactment of this Act.

4 (b) CONFORMING AMENDMENT.—Section 9(a) of the
5 National Voter Registration Act of 1993 (42 U.S.C.
6 1973gg–7(a)) is amended by striking “Federal Election
7 Commission” and inserting “Election Assistance Commis-
8 sion”.

9 **SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PER-**
10 **SONNEL.**

11 (a) PROPERTY AND RECORDS.—The contracts, liabil-
12 ities, records, property, and other assets and interests of,
13 or made available in connection with, the offices and func-
14 tions of the Federal Election Commission which are trans-
15 ferred by this subtitle are transferred to the Election As-
16 sistance Commission for appropriate allocation.

17 (b) PERSONNEL.—

18 (1) IN GENERAL.—The personnel employed in
19 connection with the offices and functions of the Fed-
20 eral Election Commission which are transferred by
21 this subtitle are transferred to the Election Assist-
22 ance Commission.

23 (2) EFFECT.—Any full-time or part-time per-
24 sonnel employed in permanent positions shall not be
25 separated or reduced in grade or compensation be-

1 cause of the transfer under this subsection during
 2 the 1-year period beginning on the date of the enact-
 3 ment of this Act.

4 **SEC. 804. EFFECTIVE DATE; TRANSITION.**

5 (a) **EFFECTIVE DATE.**—This title and the amend-
 6 ments made by this title shall take effect upon the ap-
 7 pointment of all members of the Election Assistance Com-
 8 mission under section 203.

9 (b) **TRANSITION.**—With the consent of the entity in-
 10 volved, the Election Assistance Commission is authorized
 11 to utilize the services of such officers, employees, and
 12 other personnel of the entities from which functions have
 13 been transferred to the Election Assistance Commission
 14 under this title or the amendments made by this title for
 15 such period of time as may reasonably be needed to facili-
 16 tate the orderly transfer of such functions.

17 **Subtitle B—Coverage of Commis-**
 18 **sion Under Certain Laws and**
 19 **Programs**

20 **SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER**
 21 **CERTAIN CIVIL SERVICE LAWS.**

22 (a) **COVERAGE UNDER HATCH ACT.**—Section
 23 7323(b)(2)(B)(i)(I) of title 5, United States Code, is
 24 amended by inserting “or the Election Assistance Com-
 25 mission” after “Commission”.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting “or the Election Assistance Commission” after “Commission”.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting “, the Election Assistance Commission,” after “Federal Election Commission,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT INTEGRITY OF ELECTION PROCESS.

(a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: “, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar’s jurisdiction.”.

(b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.—Section 594 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) Whoever”; and

(2) by adding at the end the following new subsection:

“(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting

booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter's right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.”.

SEC. 903. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Voting Accessibility for the Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990.

(b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS.—Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990.

(c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION.—Except as specifically pro-

vided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.

